

cally excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

(3) Maximum categorical exclusion

The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

(4) No additional findings required

In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

(Pub. L. 108-148, title IV, §404, Dec. 3, 2003, 117 Stat. 1910.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (d)(1), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, 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.

§ 6555. Relation to other laws

The authority provided to each Secretary under this subchapter is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.

(Pub. L. 108-148, title IV, §405, Dec. 3, 2003, 117 Stat. 1911.)

§ 6556. Termination of effectiveness

The authority provided by this subchapter terminates effective October 1, 2023.

(Pub. L. 108-148, title IV, §406, Dec. 3, 2003, 117 Stat. 1911; Pub. L. 115-334, title VIII, §8406(a), Dec. 20, 2018, 132 Stat. 4845.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-334 amended section generally. Prior to amendment, text read as follows: “There are authorized to be appropriated such sums as are necessary to carry out this subchapter for each of fiscal years 2004 through 2008.”

SUBCHAPTER V—HEALTHY FORESTS
RESERVE PROGRAM

§ 6571. Establishment of healthy forests reserve program

(a) Establishment

The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

- (1) to promote the recovery of threatened and endangered species;
- (2) to improve biodiversity;
- (3) to conserve forest land that provides habitat for species described in section 6572(b) of this title; and

- (4) to enhance carbon sequestration.

(b) Coordination

The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

(Pub. L. 108-148, title V, §501, Dec. 3, 2003, 117 Stat. 1911; Pub. L. 115-334, title VIII, §8407(a)(1), Dec. 20, 2018, 132 Stat. 4845.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(3), (4). Pub. L. 115-334 added par. (3) and redesignated former par. (3) as (4).

§ 6572. Eligibility and enrollment of lands in program

(a) In general

The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) Eligibility

To be eligible for enrollment in the healthy forests reserve program, land shall be private forest land, or private land being restored to forest land, the enrollment of which will maintain, restore, enhance, or otherwise measurably—

- (1) increase the likelihood of recovery of a species that is listed as endangered or threatened under section 1533 of this title; or

- (2) improve the well-being of a species that—

(A) is—

- (i) not listed as endangered or threatened under such section; and

- (ii) a candidate for such listing, a State-listed species, or a special concern species; or

- (B) is deemed a species of greatest conservation need by a State wildlife action plan.

(c) Other considerations

In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

- (1) improve biological diversity;
- (2) conserve forest land that provides habitat for species described in subsection (b); and
- (3) increase carbon sequestration.

(d) Enrollment by willing owners

The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

(e) Methods of enrollment

(1) Authorized methods

Land may be enrolled in the healthy forests reserve program in accordance with—

- (A) a 10-year cost-share agreement;

- (B) a 30-year easement; or

- (C)(i) a permanent easement; or

- (ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.