

(C) Agreements

The Secretary of Agriculture may enter into a lease or cooperative agreement with a State, Indian Tribe, local government, or private entity—

- (i) to carry out the activities described in subparagraph (A); or
- (ii) to manage the renting of a cabin or building described in subparagraph (A) to the public.

(3) Exclusion

A project shall not be eligible for funding under this subsection if—

(A) funding for the project would be used for deferred maintenance, as defined by Federal Accounting Standards Advisory Board; and

(B) the Secretary of the Interior or the Secretary of Agriculture has identified the project for funding from the National Parks and Public Land Legacy Restoration Fund established by section 200402(a) of title 54.

(f) Collaborative-based, aquatic-focused, landscape-scale restoration program

Subject to the availability of appropriations, not later than 180 days after November 15, 2021, the Secretary of Agriculture shall, in coordination with the Secretary of the Interior and using the amounts made available under subsection (b)(10)—

(1) solicit collaboratively developed proposals that—

(A) are for 5-year projects to restore fish passage or water quality on Federal land and non-Federal land to the extent allowed under section 1011a(a) of this title, including Indian forest land or rangeland;

(B) contain proposed accomplishments and proposed non-Federal funding; and

(C) request not more than \$5,000,000 in funding made available under subsection (b)(10);

(2) select project proposals for funding in a manner that—

(A) gives priority to a project proposal that would result in the most miles of streams being restored for the lowest amount of Federal funding; and

(B) discontinues funding for a project that fails to achieve the results included in a proposal submitted under paragraph (1) for more than 2 consecutive years; and

(3) publish a list of—

(A) all of the priority watersheds on National Forest System land;

(B) the condition of each priority watershed on November 15, 2021; and

(C) the condition of each priority watershed on the date that is 5 years after November 15, 2021.

(Pub. L. 117–58, div. D, title VIII, §40804, Nov. 15, 2021, 135 Stat. 1105.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1)(B)(iii), is Pub. L. 117–58, Nov. 15, 2021, 135 Stat. 429, known as the Infra-

structure Investment and Jobs Act. For complete classification of this Act to the Code, see Short Title of 2021 Amendment note set out under section 101 of Title 23, Highways, and Tables.

CODIFICATION

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Healthy Forests Restoration Act of 2003 which comprises this chapter.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

DEFINITIONS

For definition of “Indian Tribe” as used in this section, see section 5304 of Title 25, Indians, as made applicable by section 18701(2) of Title 42, The Public Health and Welfare.

§ 6592b. Establishment of fuel breaks in forests and other wildland vegetation**(a) Definition of Secretary concerned**

In this section, the term “Secretary concerned” means—

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

(2) the Secretary of the Interior, with respect to public lands (as defined in section 1702 of title 43) administered by the Bureau of Land Management.

(b) Categorical exclusion established

Forest management activities described in subsection (c) are a category of actions designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the categorical exclusion is documented through a supporting record and decision memorandum.

(c) Forest management activities designated for categorical exclusion**(1) In general**

The category of forest management activities designated under subsection (b) for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on public lands (as defined in section 1702 of title 43) administered by the Bureau of Land Management or National Forest System land the primary purpose of which is to establish and maintain linear fuel breaks that are—

(A) up to 1,000 feet in width contiguous with or incorporating existing linear features, such as roads, water infrastructure, transmission and distribution lines, and pipelines of any length on Federal land; and

(B) intended to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for an adjacent at-risk community.

(2) Activities

Subject to paragraph (3), the forest management activities that may be carried out pursu-

ant to the categorical exclusion established under subsection (b) are—

- (A) mowing or masticating;
- (B) thinning by manual and mechanical cutting;
- (C) piling, yarding, and removal of slash or hazardous fuels;
- (D) selling of vegetation products, including timber, firewood, biomass, slash, and fenceposts;
- (E) targeted grazing;
- (F) application of—
 - (i) pesticide;
 - (ii) biopesticide; or
 - (iii) herbicide;
- (G) seeding of native species;
- (H) controlled burns and broadcast burning; and
- (I) burning of piles, including jackpot piles.

(3) Excluded activities

A forest management activity described in paragraph (2) may not be carried out pursuant to the categorical exclusion established under subsection (b) if the activity is conducted—

- (A) in a component of the National Wilderness Preservation System;
- (B) on Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress, Presidential proclamation (including the applicable implementation plan), or regulation;
- (C) in a wilderness study area; or
- (D) in an area in which carrying out the activity would be inconsistent with the applicable land management plan or resource management plan.

(4) Extraordinary circumstances

The Secretary concerned shall apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or a successor regulation), in determining whether to use a categorical exclusion under subsection (b).

(d) Acreage and location limitations

Treatments of vegetation in linear fuel breaks covered by the categorical exclusion established under subsection (b)—

- (1) may not contain treatment units in excess of 3,000 acres;
- (2) shall be located primarily in—
 - (A) the wildland-urban interface or a public drinking water source area;
 - (B) if located outside the wildland-urban interface or a public drinking water source area, an area within Condition Class 2 or 3 in Fire Regime Group I, II, or III that contains very high wildfire hazard potential; or
 - (C) an insect or disease area designated by the Secretary concerned as of November 15, 2021; and
- (3) shall consider the best available scientific information.

(e) Roads

(1) Permanent roads

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

(2) Existing roads

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

(3) Temporary roads

The Secretary concerned 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.

(f) Public collaboration

To encourage meaningful public participation during the preparation of a project under this section, the Secretary concerned shall facilitate, during the preparation of each project—

- (1) collaboration among State and local governments and Indian Tribes; and
- (2) participation of interested persons.

(Pub. L. 117–58, div. D, title VIII, § 40806, Nov. 15, 2021, 135 Stat. 1110.)

Editorial Notes

REFERENCES IN TEXT

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

CODIFICATION

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Healthy Forests Restoration Act of 2003 which comprises this chapter.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

DEFINITIONS

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§ 6592c. Emergency actions

(a) Definitions

In this section:

(1) Authorized emergency action

The term “authorized emergency action” means an action carried out pursuant to an emergency situation determination issued under this section to mitigate the harm to life, property, or important natural or cultural resources on National Forest System land or adjacent land.

(2) Emergency situation

The term “emergency situation” means a situation on National Forest System land for