

tered by the State for fish and wildlife purposes; and all funds apportioned to the designated State agency under the Federal Aid in Wildlife and Sport Fish Restoration Programs.

Sec.	
3772.	Definitions.
3773.	Partners for Fish and Wildlife Program.
3774.	Authorization of appropriations.

**(g) Establishment of Fund**

(1) The Secretary shall establish the Fund, which shall consist of amounts deposited into the Fund by the Secretary under paragraph (2) of this subsection.

(2) The Secretary shall deposit into the Fund amounts appropriated to the Secretary for deposit to the Fund, of which not more than 4 percent shall be available to the Secretary to defray the costs of administering this chapter and evaluating wildlife conservation and appreciation projects.

**(h) Authorization of appropriations**

There are authorized to be appropriated to the Fund and to the Secretary not to exceed \$6,250,000 for each of fiscal years 1999 through 2003.

(Pub. L. 102-587, title VII, §7105, Nov. 4, 1992, 106 Stat. 5097; Pub. L. 103-375, §6(4)-(7), Oct. 19, 1994, 108 Stat. 3495, 3496; Pub. L. 105-312, title III, §303, Oct. 30, 1998, 112 Stat. 2958.)

AMENDMENTS

1998—Subsec. (h). Pub. L. 105-312 substituted “not to exceed \$6,250,000 for each of fiscal years 1999 through 2003.” for “for each of fiscal years 1992 through 1998 not to exceed \$6,250,000.”

1994—Subsec. (d)(5). Pub. L. 103-375, §6(4), struck out par. (5) which read as follows: “may not exceed the State share of the cost of implementing such a project.”

Subsec. (e). Pub. L. 103-375, §6(5), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: “The share of the cost of carrying out eligible projects under this section shall be from a non-Federal source and shall not be in the form of an in-kind contribution.”

Subsec. (g)(2). Pub. L. 103-375, §6(6)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary shall deposit into the Fund—

“(A) amounts appropriated to the Secretary for deposit to the Fund, of which not more than 4 percent shall be available to the Secretary and the National Fish and Wildlife Foundation to defray the costs of administering this chapter and evaluating wildlife conservation and appreciation projects; and

“(B) amounts received as donations from the National Fish and Wildlife Foundation or other private entities or persons for deposit to the Fund.”

Subsec. (g)(3), (4). Pub. L. 103-375, §6(6)(B), struck out pars. (3) and (4) which read as follows:

“(3) The Secretary may accept and use donations from the National Fish and Wildlife Foundation and other private entities or persons for purposes of assisting States under this section.

“(4) Of the total amount provided from the Fund to assist a State in carrying out a wildlife conservation and appreciation project under subsection (a) of this section, at least 50 percent shall have been donated to the Fund by the National Fish and Wildlife Foundation.”

Subsec. (h). Pub. L. 103-375, §6(7), substituted “1998” for “1995” and struck out before period at end “to match the amount of contributions made to the Fund by the National Fish and Wildlife Foundation”.

**CHAPTER 57B—PARTNERS FOR FISH AND WILDLIFE**

Sec.	
3771.	Findings and purpose.

**§ 3771. Findings and purpose**

**(a) Findings**

Congress finds that—

(1) approximately 60 percent of fish and wildlife in the United States are on private land;

(2) it is imperative to facilitate private landowner-centered and results-oriented efforts that promote efficient and innovative ways to protect and enhance natural resources;

(3) there is no readily available source of technical biological information that the public can access to assist with the application of state-of-the-art techniques to restore, enhance, and manage fish and wildlife habitats;

(4) a voluntary cost-effective program that leverages public and private funds to assist private landowners in the conduct of state-of-the-art fish and wildlife habitat restoration, enhancement, and management projects is needed;

(5) durable partnerships working collaboratively with willing private landowners to implement on-the-ground projects has led to the reduction of endangered species listings;

(6) Executive Order No. 13352 (69 Fed. Reg. 52989) directs the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency to pursue new cooperative conservation programs involving the collaboration of Federal, State, local, and tribal governments, private for-profit and non-profit institutions, non-governmental entities, and individuals;

(7) since 1987, the Partners for Fish and Wildlife Program has exemplified cooperative conservation as an innovative, voluntary partnership program that helps private landowners restore wetland and other important fish and wildlife habitat; and

(8) through 33,103 agreements with private landowners, the Partners for Fish and Wildlife Program has accomplished the restoration of 677,000 acres of wetland, 1,253,700 acres of prairie and native grasslands, and 5,560 miles of riparian and in-stream habitat since 1987, demonstrating much of that success since only 2001.

**(b) Purpose**

The purpose of this chapter is to provide for the restoration, enhancement, and management of fish and wildlife habitats on private land through the Partners for Fish and Wildlife Program, a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States.

(Pub. L. 109-294, §2, Oct. 3, 2006, 120 Stat. 1351.)

REFERENCES IN TEXT

Executive Order No. 13352, referred to in subsec. (a)(6), is Ex. Ord. No. 13352, Aug. 26, 2004, 69 F.R. 52989, which is set out as a note under section 4332 of Title 42, The Public Health and Welfare.

SHORT TITLE

Pub. L. 109-294, §1, Oct. 3, 2006, 120 Stat. 1351, provided that: “This Act [enacting this chapter] may be cited as the ‘Partners for Fish and Wildlife Act.’”

**§ 3772. Definitions**

In this chapter:

**(1) Federal trust species**

The term “Federal trust species” means migratory birds, threatened species, endangered species, interjurisdictional fish, marine mammals, and other species of concern.

**(2) Habitat enhancement****(A) In general**

The term “habitat enhancement” means the manipulation of the physical, chemical, or biological characteristics of a habitat to change a specific function or seral stage of the habitat.

**(B) Inclusions**

The term “habitat enhancement” includes—

(i) an activity conducted to increase or decrease a specific function for the purpose of benefitting species, including—

(I) increasing the hydroperiod and water depth of a stream or wetland beyond what would naturally occur;

(II) improving waterfowl habitat conditions;

(III) establishing water level management capabilities for native plant communities;

(IV) creating mud flat conditions important for shorebirds; and

(V) cross fencing or establishing a rotational grazing system on native range to improve grassland nesting bird habitat conditions; and

(ii) an activity conducted to shift a native plant community successional stage, including—

(I) burning an established native grass community to reduce or eliminate invading brush or exotic species;

(II) brush shearing to set back early successional plant communities; and

(III) forest management that promotes a particular seral stage.

**(C) Exclusions**

The term “habitat enhancement” does not include regularly scheduled and routine maintenance and management activities, such as annual mowing or spraying of unwanted vegetation.

**(3) Habitat establishment**

The term “habitat establishment” means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site, including construction of—

(A) shallow water impoundments on non-hydric soils; and

(B) side channel spawning and rearing habitat.

**(4) Habitat improvement**

The term “habitat improvement” means restoring, enhancing, or establishing physiographic, hydrological, or disturbance conditions necessary to establish or maintain na-

tive plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

**(5) Habitat restoration****(A) In general**

The term “habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat.

**(B) Inclusions**

The term “habitat restoration” includes—

(i) an activity conducted to return a project site, to the maximum extent practicable, to the ecological condition that existed prior to the loss or degradation, including—

(I) removing tile drains or plugging drainage ditches in former or degraded wetland;

(II) returning meanders and sustainable profiles to straightened streams;

(III) burning grass communities heavily invaded by exotic species to reestablish native grass and plant communities; and

(IV) planting plant communities that are native to the project site;

(ii) if restoration of a project site to its original ecological condition is not practicable, an activity that repairs 1 or more of the original habitat functions and that involve the use of native vegetation, including—

(I) the installation of a water control structure in a swale on land isolated from overbank flooding by a major levee to simulate natural hydrological processes; and

(II) the placement of streambank or instream habitat diversity structures in streams that cannot be restored to original conditions or profile; and

(iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.

**(6) Private land****(A) In general**

The term “private land” means any land that is not owned by the Federal Government or a State.

**(B) Inclusions**

The term “private land” includes tribal land and Hawaiian homeland.

**(7) Project**

The term “project” means a project carried out under the Partners for Fish and Wildlife Program established by section 3773 of this title.

**(8) Secretary**

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 109-294, §3, Oct. 3, 2006, 120 Stat. 1352.)

**§ 3773. Partners for Fish and Wildlife Program**

The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide—

- (1) technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment; and
- (2) technical assistance to other public and private entities regarding fish and wildlife habitat restoration on private land.

(Pub. L. 109-294, § 4, Oct. 3, 2006, 120 Stat. 1354.)

**§ 3774. Authorization of appropriations**

There is authorized to be appropriated to carry out this chapter not more than \$75,000,000 for each of fiscal years 2006 through 2011.

(Pub. L. 109-294, § 5, Oct. 3, 2006, 120 Stat. 1354.)

**CHAPTER 58—ERODIBLE LAND AND WETLAND CONSERVATION AND RESERVE PROGRAM**

SUBCHAPTER I—DEFINITIONS

Sec.

3801. Definitions.

SUBCHAPTER II—HIGHLY ERODIBLE LAND CONSERVATION

- 3811. Program ineligibility.
- 3812. Exemptions.
- 3812a. Development and implementation of conservation plans and conservation systems.
- 3813. Soil surveys.
- 3814. Notice and investigation of possible compliance deficiencies.

SUBCHAPTER III—WETLAND CONSERVATION

- 3821. Program ineligibility.
- 3822. Delineation of wetlands; exemptions.
- 3823. Affiliated persons.
- 3824. Fairness of compliance.

SUBCHAPTER IV—AGRICULTURAL RESOURCES CONSERVATION PROGRAM

PART I—COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM

SUBPART A—GENERAL PROVISIONS

3830, 3830a. Repealed.

SUBPART B—CONSERVATION RESERVE

- 3831. Conservation reserve.
- 3831a. Conservation reserve enhancement program.
- 3831b. Farmable wetland program.
- 3831c. Pilot programs.
- 3832. Duties of owners and operators.
- 3833. Duties of the Secretary.
- 3834. Payments.
- 3835. Contracts.
- 3835a. Repealed.

SUBPART C—WETLANDS RESERVE PROGRAM

3837 to 3837f. Repealed.

PART II—CONSERVATION SECURITY AND FARMLAND PROTECTION

SUBPART A—CONSERVATION SECURITY PROGRAM

3838 to 3838c. Repealed.

SUBPART B—CONSERVATION STEWARDSHIP PROGRAM

3838d to 3838g. Transferred.

Sec.

SUBPART C—FARMLAND PROTECTION PROGRAM

3838h to 3838j. Repealed.

SUBPART D—GRASSLAND RESERVE PROGRAM

3838n to 3838q. Repealed.

PART III—ENVIRONMENTAL EASEMENT PROGRAM

3839 to 3839d. Repealed.

PART IV—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM AND CONSERVATION STEWARDSHIP PROGRAM

SUBPART A—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

- 3839aa. Purposes.
- 3839aa-1. Definitions.
- 3839aa-2. Establishment and administration.
- 3839aa-3. Evaluation of applications.
- 3839aa-4. Duties of producers.
- 3839aa-5. Environmental quality incentives program plan.
- 3839aa-6. Duties of the Secretary.
- 3839aa-7. Limitation on payments.
- 3839aa-8. Conservation innovation grants and payments.
- 3839aa-9. Repealed.

SUBPART B—CONSERVATION STEWARDSHIP PROGRAM

- 3839aa-21. Definitions.
- 3839aa-22. Conservation stewardship program.
- 3839aa-23. Stewardship contracts.
- 3839aa-24. Duties of the Secretary.
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PART V—OTHER CONSERVATION PROGRAMS

- 3839bb. Conservation of private grazing land.
- 3839bb-1. Repealed.
- 3839bb-2. Grassroots source water protection program.
- 3839bb-3, 3839bb-4. Repealed.
- 3839bb-5. Voluntary public access and habitat incentive program.
- 3839bb-6. Terminal lakes assistance.

SUBCHAPTER V—FUNDING AND ADMINISTRATION

- 3841. Commodity Credit Corporation.
- 3842. Delivery of technical assistance.
- 3843. Repealed.
- 3844. Administrative requirements for conservation programs.
- 3845. Environmental services markets.
- 3846. Regulations.
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SUBCHAPTER V-A—OTHER CONSERVATION PROGRAMS

- 3851. Experienced services program.
- 3851a. Forest Service participation in ACES Program.

SUBCHAPTER VI—STATE TECHNICAL COMMITTEES

- 3861. Establishment of State technical committees.
- 3862. Responsibilities.

SUBCHAPTER VII—AGRICULTURAL CONSERVATION EASEMENT PROGRAM

- 3865. Establishment and purposes.
- 3865a. Definitions.
- 3865b. Agricultural land easements.
- 3865c. Wetland reserve easements.
- 3865d. Administration.

SUBCHAPTER VIII—REGIONAL CONSERVATION PARTNERSHIP PROGRAM

- 3871. Establishment and purposes.
- 3871a. Definitions.
- 3871b. Regional conservation partnerships.