

115TH CONGRESS
2D SESSION

H. R. 6344

To amend the Endangered Species Act of 1973 to encourage voluntary conservation efforts.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2018

Mr. TIPTON (for himself, Mr. GOSAR, Mr. MARSHALL, Mr. BIGGS, Mr. LUETKEMEYER, Mr. DUNCAN of South Carolina, Mr. BISHOP of Utah, Mr. ABRAHAM, Mr. NORMAN, Mr. BANKS of Indiana, Mr. STEWART, Mrs. NOEM, Mr. ESTES of Kansas, Mr. NEWHOUSE, Mr. SCHRADER, and Mr. WALDEN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Endangered Species Act of 1973 to encourage voluntary conservation efforts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Land Ownership Col-
5 laboration Accelerates Life Act of 2018” or the “LOCAL
6 Act of 2018”.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise specifically provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a provision, the ref-
5 erence shall be considered to be made to a provision of
6 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
7 seq.).

8 **SEC. 3. THREATENED AND ENDANGERED SPECIES INCEN-**
9 **TIVES PROGRAM.**

10 Section 5 (16 U.S.C. 1534) is amended by adding
11 at the end the following:

12 “(c) THREATENED AND ENDANGERED SPECIES IN-
13 CENTIVES PROGRAM.—

14 “(1) The Secretary may enter into species re-
15 covery agreements pursuant to paragraph (2) and
16 species conservation contract agreements pursuant
17 to paragraph (3) with persons, other than agencies
18 or departments of the Federal Government or State
19 governments, under which the Secretary is obligated,
20 subject to the availability of appropriations, to make
21 annual payments or provide other compensation to
22 the persons to implement the agreements.

23 “(2)(A) The Secretary and persons who are
24 property owners of private land or water may enter
25 into species recovery agreements with a term of not
26 less than 5 years that meet the criteria set forth in

1 subparagraph (B) and are in accordance with the
2 priority established in subparagraph (C).

3 “(B) A species recovery agreement entered into
4 under this paragraph by the Secretary with a per-
5 son—

6 “(i) shall require that the person shall
7 carry out, on the property owner’s land or
8 water, activities that—

9 “(I) protect, enhance, or restore other
10 areas to become habitat for species deter-
11 mined to be endangered species or threat-
12 ened species;

13 “(II) contribute to the recovery of one
14 or more covered species; and

15 “(III) specify and implement a man-
16 agement plan for the covered species;

17 “(ii) shall specify such a management plan
18 that includes—

19 “(I) identification of the covered spe-
20 cies;

21 “(II) a description of the land or
22 water to which the agreement applies; and

23 “(III) a description of, and a schedule
24 to carry out, the activities under clause (i);

1 “(iii) shall provide sufficient documenta-
2 tion to establish property ownership with re-
3 spect to which the agreement applies;

4 “(iv) shall include the amounts of the an-
5 nual payments or other compensation to be pro-
6 vided by the Secretary to the person under the
7 agreement from funds appropriated under sec-
8 tion 18(a)(1), and the terms under which such
9 payments or compensation shall be provided;
10 and

11 “(v) shall include—

12 “(I) the duties of the person;

13 “(II) the duties of the Secretary;

14 “(III) the terms and conditions under
15 which the person and the Secretary mutu-
16 ally agree the agreement may be modified
17 or terminated; and

18 “(IV) acts or omissions by the person
19 or the Secretary that shall be considered
20 violations of the agreement, and proce-
21 dures under which notice of and an oppor-
22 tunity to remedy any violation by the per-
23 son or the Secretary shall be given.

24 “(C) In entering into species recovery agree-
25 ments under this paragraph, the Secretary shall ac-

1 cord priority to agreements based on the best avail-
2 able scientific data and that identify specific areas
3 that are of special value to the recovery of the spe-
4 cies concerned.

5 “(3)(A) The Secretary and a property owner
6 may enter into a species conservation contract agree-
7 ment with a term of 30 years, 20 years, or 10 years
8 that meets the criteria set forth in subparagraph (B)
9 and standards set forth in subparagraph (D) and is
10 in accordance with the priorities established in sub-
11 paragraph (C).

12 “(B) A species conservation contract agreement
13 entered into under this paragraph by the Secretary
14 with a person—

15 “(i) shall provide that the person shall, on
16 the property owner’s land or water—

17 “(I) carry out conservation practices
18 to meet one or more of the goals set forth
19 in clauses (i) through (iii) of subparagraph
20 (C) for one or more species that are deter-
21 mined to be endangered species or threat-
22 ened species pursuant to section 4(a)(1),
23 species determined to be candidate species
24 pursuant to section 4(b)(3)(B)(iii), or spe-

1 cies subject to comparable designations
2 under State law; and

3 “(II) specify and implement a man-
4 agement plan for the covered species;

5 “(ii) shall specify such a management plan
6 that includes—

7 “(I) identification of the covered spe-
8 cies;

9 “(II) a description in detail of the
10 conservation practices for the covered spe-
11 cies that the person shall undertake;

12 “(III) a description of the land or
13 water to which the agreement applies;

14 “(IV) a schedule of approximate dead-
15 lines, whether one-time or periodic, for un-
16 dertaking the conservation practices de-
17 scribed pursuant to subclause (II); and

18 “(V) a description of existing or fu-
19 ture activities on the land or water to
20 which the agreement applies that are com-
21 patible with the conservation practices de-
22 scribed pursuant to subclause (II) and gen-
23 erally with conservation of the covered spe-
24 cies;

1 “(iii) shall specify the term of the agree-
2 ment; and

3 “(iv) shall include—

4 “(I) the duties of the person;

5 “(II) the duties of the Secretary;

6 “(III) the terms and conditions under
7 which the person and the Secretary mutu-
8 ally agree the agreement may be modified
9 or terminated;

10 “(IV) acts or omissions by the person
11 or the Secretary that shall be considered
12 violations of the agreement, and proce-
13 dures under which notice of and an oppor-
14 tunity to remedy any violation by the per-
15 son or the Secretary shall be given; and

16 “(V) terms and conditions for early
17 termination of the agreement by the per-
18 son before the management plan is fully
19 implemented or termination of the agree-
20 ment by the Secretary in the case of a vio-
21 lation by the person that is not remedied
22 under subclause (IV), including any re-
23 quirement for the person to refund all or
24 part of any payments received under sub-
25 paragraph (E) and any interest thereon.

1 “(C) The Secretary shall establish priorities for
2 the selection of species conservation contract agree-
3 ments, or groups of such agreements for adjacent or
4 proximate lands or water, to be entered into under
5 this paragraph that address the following factors:

6 “(i) The potential of the land or water to
7 which the agreement or agreements apply to
8 contribute to the conservation of an endangered
9 species or threatened species or a species with
10 a comparable designation under State law.

11 “(ii) The potential of such land or water to
12 contribute to the improvement of the status of
13 a candidate species or a species with a com-
14 parable designation under State law.

15 “(iii) The amount of acreage of such land
16 or water.

17 “(iv) The number of covered species in the
18 agreement or agreements.

19 “(v) The degree of urgency for the covered
20 species to implement the conservation practices
21 in the management plan or plans under the
22 agreement or agreements.

23 “(vi) Land or water in close proximity to
24 military test and training ranges, installations,

1 and associated airspace that is affected by a
2 covered species.

3 “(D) The Secretary shall enter into a species
4 conservation contract agreement submitted by a per-
5 son that complies with this paragraph, if the Sec-
6 retary finds that the person’s property ownership
7 will allow implementation of the management plan
8 under the agreement.

9 “(E)(i) Upon entering into a species conserva-
10 tion contract agreement with the Secretary pursuant
11 to this paragraph, a person shall receive the finan-
12 cial assistance provided for in this subparagraph.

13 “(ii) If the person is implementing fully the
14 agreement, the person shall receive from the Sec-
15 retary—

16 “(I) in the case of a 30-year agreement, an
17 annual contract payment in an amount equal to
18 100 percent of the person’s actual costs to im-
19 plement the conservation practices described in
20 the management plan under the terms of the
21 agreement;

22 “(II) in the case of a 20-year agreement,
23 an annual contract payment in an amount
24 equal to 80 percent of the person’s actual costs
25 to implement the conservation practices de-

1 scribed in the management plan under the
2 terms of the agreement; and

3 “(III) in the case of a 10-year agreement,
4 an annual contract payment in an amount
5 equal to 60 percent of the person’s actual costs
6 to implement the conservation practices de-
7 scribed in the management plan under the
8 terms of the agreement.

9 “(iii)(I) If the person receiving contract pay-
10 ments pursuant to clause (ii) receives any other
11 State or Federal funds to defray the cost of any con-
12 servation practice required by the agreement, the
13 cost of such practice shall not be eligible for such
14 contract payments.

15 “(II) Contributions of agencies or organizations
16 to any conservation practice other than the funds
17 described in subclause (I) shall not be considered as
18 costs of the person for purposes of the contract pay-
19 ments pursuant to clause (iii).

20 “(F) A species conservation contract agreement
21 may list other Federal program payments that inci-
22 dentally contribute to conservation of a listed spe-
23 cies. The head of a Federal agency shall not use the
24 payments for the purposes of implementing the spe-
25 cies conservation contract agreement.

1 “(4)(A) Upon request of a person seeking to
2 enter into an agreement pursuant to this subsection,
3 the Secretary may provide to such person technical
4 assistance in the preparation, and management
5 training for the implementation, of the management
6 plan for the agreement.

7 “(B) Any State agency, local government, non-
8 profit organization, or federally recognized Indian
9 tribe may provide assistance to a person in the prep-
10 aration of a management plan, or participate in the
11 implementation of a management plan, including
12 identifying and making available certified fisheries
13 or wildlife biologists with expertise in the conserva-
14 tion of species for purposes of the preparation or re-
15 view and approval of management plans for species
16 conservation contract agreements.

17 “(5) Upon any conveyance or other transfer of
18 interest in land or water that is subject to an agree-
19 ment under this subsection—

20 “(A) the agreement shall terminate if the
21 agreement does not continue in effect under
22 subparagraph (B);

23 “(B) the agreement shall continue in effect
24 with respect to such land or water, with the
25 same terms and conditions, if the person to

1 whom the land, water, or interest is conveyed or
2 otherwise transferred notifies the Secretary of
3 the person's election to continue the agreement
4 by no later than 30 days after the date of the
5 conveyance or other transfer and the person is
6 determined by the Secretary to qualify to enter
7 into such agreement under this subsection; or

8 “(C) the person to whom the land, water,
9 or interest is conveyed or otherwise transferred
10 may seek a new agreement under this sub-
11 section.

12 “(6) An agreement under this subsection may
13 be renewed with the mutual consent of the Secretary
14 and the person who entered into the agreement or
15 to whom the agreement has been transferred under
16 paragraph (5).

17 “(7) The Secretary shall make annual payments
18 under this subsection as soon as possible after De-
19 cember 31 of each calendar year.

20 “(8) An agreement under this subsection that
21 applies to a species shall be deemed to be a permit
22 under section 10(a)(1) to conduct all recovery, con-
23 servation, and other activities that are specified in
24 the management plan and to enhance the propaga-
25 tion or survival of such species.

1 “(9) The Secretary, or any other Federal offi-
2 cial, may not require a person to enter into an
3 agreement under this subsection as a term or condi-
4 tion of any right, privilege, or benefit, or of any ac-
5 tion or refraining from any action, under this Act.

6 “(10) In this subsection the term ‘property
7 owner’ means a person that holds a fee simple,
8 leasehold, or other interest in property (including an
9 owner of water or other natural resources), or any
10 other person who holds a property interest, sufficient
11 to carry out the proposed management activities,
12 subject to applicable State law, on non-Federal
13 land.”.

14 **SEC. 4. HABITAT RESERVE AGREEMENTS.**

15 Section 10 (16 U.S.C. 1539) amended by adding at
16 the end the following:

17 “(k) HABITAT RESERVE AGREEMENTS.—

18 “(1) PROGRAM.—The Secretary shall establish
19 a habitat reserve program to be implemented
20 through contracts or easements of a mutually agreed
21 on duration to assist non-Federal property owners to
22 preserve and manage suitable habitat for endangered
23 species and threatened species.

24 “(2) AGREEMENTS.—The Secretary may enter
25 into a habitat reserve agreement with a non-Federal

1 property owner to protect, manage, or enhance suit-
2 able habitat on private property for the benefit of
3 endangered species or threatened species. Under an
4 agreement, the Secretary shall make payments in an
5 agreed on amount to the property owner for carrying
6 out the terms of the habitat reserve agreement, if
7 the activities undertaken pursuant to the agreement
8 are not otherwise required by this Act.

9 “(3) STANDARDS AND GUIDELINES.—The Sec-
10 retary shall issue standards and guidelines for the
11 development and approval of habitat reserve agree-
12 ments in accordance with this subsection. Agree-
13 ments shall, at a minimum, specify the management
14 measures, if any, that the property owner will imple-
15 ment for the benefit of endangered species or threat-
16 ened species, the conditions under which the prop-
17 erty may be used, the nature and schedule for any
18 payments agreed on by the parties to the agreement,
19 and the duration of the agreement.

20 “(4) PAYMENTS.—Any payment received by a
21 property owner under a habitat reserve agreement
22 shall be in addition to and shall not affect the total
23 amount of payments that the property owner is oth-
24 erwise entitled to receive under Federal law.

1 “(5) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to the Sec-
 3 retary of the Interior \$27,500,000 and the Secretary
 4 of Commerce \$13,333,333 for each of fiscal years
 5 2019 through 2024 to assist non-Federal property
 6 owners to carry out the terms of habitat reserve pro-
 7 grams under this subsection.”.

8 **SEC. 5. PRIVATE PARTY CONSERVATION GRANTS.**

9 (a) IN GENERAL.—Section 13 (consisting of amend-
 10 ments to other laws, which have executed) is amended to
 11 read as follows:

12 “PRIVATE PROPERTY CONSERVATION

13 “SEC. 13. (a) IN GENERAL.—The Secretary may pro-
 14 vide conservation grants (in this section referred to as
 15 ‘grants’) to promote the voluntary conservation of endan-
 16 gered species and threatened species by owners of private
 17 property and shall provide financial conservation aid (in
 18 this section referred to as ‘aid’) to alleviate the burden
 19 of conservation measures imposed upon private property
 20 owners by this Act. The Secretary may provide technical
 21 assistance when requested to enhance the conservation ef-
 22 fects of grants or aid.

23 “(b) AWARDING OF GRANTS AND AID.—Grants to
 24 promote conservation of endangered species and threat-
 25 ened species on private property—

1 “(1) may not be used to fund litigation, general
2 education, general outreach, lobbying, or solicitation;

3 “(2) may not be used to acquire leases or ease-
4 ments of more than 50 years duration or fee title to
5 private property;

6 “(3) must be designed to directly contribute to
7 the conservation of an endangered species or threat-
8 ened species by increasing the species’ numbers or
9 distribution; and

10 “(4) must be supported by any private property
11 owners on whose property any grant funded activi-
12 ties are carried out.

13 “(c) PRIORITY.—Priority shall be accorded among
14 grant requests in the following order:

15 “(1) Grants that promote conservation of en-
16 dangered species or threatened species on private
17 property while making economically beneficial and
18 productive use of the private property on which the
19 conservation activities are conducted.

20 “(2) Grants that develop, promote, or use tech-
21 niques to increase the distribution or population of
22 an endangered species or threatened species on pri-
23 vate property.

1 “(3) Other grants that promote voluntary con-
2 servation of endangered species or threatened species
3 on private property.

4 “(d) ELIGIBILITY FOR AID.—(1) The Secretary shall
5 award aid to private property owners who—

6 “(A) received a written determination under
7 section 10(l) finding that the proposed use of private
8 property would not comply with section 9(a); or

9 “(B) receive notice under section 10(l)(10) that
10 a written determination has been withdrawn.

11 “(2) Aid shall be in an amount no less than the fair
12 market value of the use that was proposed by the property
13 owner if—

14 “(A) the owner has foregone the proposed use;

15 “(B) the owner has requested financial aid—

16 “(i) within 180 days after the Secretary’s
17 issuance of a written determination that the
18 proposed use would not comply with section
19 9(a); or

20 “(ii) within 180 days after the property
21 owner is notified of a withdrawal under section
22 10(l)(10); and

23 “(C) the foregone use would be lawful under
24 State and local law and the property owner has dem-

1 onstrated that the property owner has the means to
2 undertake the proposed use.

3 “(e) DISTRIBUTION OF GRANTS AND AID.—(1) The
4 Secretary shall pay eligible aid—

5 “(A) within 270 days after receipt of a request
6 for aid unless there are unresolved questions regard-
7 ing the fair market value; or

8 “(B) at the resolution of any questions con-
9 cerning the fair market value established under sub-
10 section (g).

11 “(2) All grants provided under this section shall be
12 paid on the last day of the fiscal year. Aid shall be paid
13 based on the date of the initial request.

14 “(f) DOCUMENTATION OF THE FOREGONE USE.—
15 Within 30 days after the request for aid, the Secretary
16 shall enter into negotiations with the property owner re-
17 garding the documentation of the foregone proposed use
18 through such mechanisms that would benefit the species
19 such as contract terms, lease terms, deed restrictions,
20 easement terms, or transfer of title. If the Secretary and
21 the property owner are unable to reach an agreement,
22 then, within 60 days after the request for aid, the Sec-
23 retary shall determine how the property owner’s foregone
24 use shall be documented to benefit the species with the
25 least impact on the ownership interests of the property

1 owner necessary to document the foregone use, which shall
2 not include transfer of title.

3 “(g) FAIR MARKET VALUE.—For purposes of this
4 section, the fair market value of the foregone use of the
5 affected portion of the private property, including business
6 losses, is what a willing buyer would pay to a willing seller
7 in an open market. Fair market value shall take into ac-
8 count the likelihood that the foregone use would be ap-
9 proved under State and local law. The fair market value
10 shall be determined within 180 days after the documenta-
11 tion of the foregone use. The fair market value shall be
12 determined jointly by 2 licensed independent appraisers,
13 one selected by the Secretary and one selected by the prop-
14 erty owner. If the 2 appraisers fail to agree on fair market
15 value, the Secretary and the property owner shall jointly
16 select a third licensed appraiser whose appraisal within an
17 additional 90 days shall be the best and final offer by the
18 Secretary. Within one year after the date of enactment
19 of this subsection, the Secretary shall promulgate regula-
20 tions regarding selection of the jointly selected appraisers
21 under this subsection.

22 “(h) LIMITATION ON AID AVAILABILITY.—Any per-
23 son receiving aid under this section may not receive addi-
24 tional aid under this section for essentially the same fore-

1 gone use of the same property and for the same period
2 of time.

3 “(i) ANNUAL REPORTING.—The Secretary shall by
4 January 15 of each year provide a report of all aid and
5 grants awarded under this section to the Committee on
6 Natural Resources of the House of Representatives and
7 the Environment and Public Works Committee of the Sen-
8 ate and make such report electronically available to the
9 general public on the internet.”.

10 (b) WRITTEN DETERMINATION OF COMPLIANCE.—
11 Section 10 (16 U.S.C. 1539) (as amended by section 4)
12 is further amended by adding at the end the following:

13 “(l) WRITTEN DETERMINATION OF COMPLIANCE.—

14 “(1) A property owner (in this subsection re-
15 ferred to as a ‘requestor’) may request the Secretary
16 to make a written determination that a proposed use
17 of the owner’s property that is lawful under State
18 and local law will comply with section 9(a), by sub-
19 mitting a written description of the proposed action
20 to the Secretary by certified mail.

21 “(2) A written description of a proposed use is
22 deemed to be sufficient for consideration by the Sec-
23 retary under paragraph (1) if the description in-
24 cludes—

1 “(A) the nature, the specific location, the
2 lawfulness under State and local law, and the
3 anticipated schedule and duration of the pro-
4 posed use, and a demonstration that the prop-
5 erty owner has the means to undertake the pro-
6 posed use; and

7 “(B) any anticipated adverse impact to a
8 species that is included on a list published
9 under 4(c)(1) that the requestor reasonably ex-
10 pects to occur as a result of the proposed use.

11 “(3) The Secretary may request and the re-
12 questor may supply any other information that ei-
13 ther believes will assist the Secretary to make a de-
14 termination under paragraph (1).

15 “(4) If the Secretary does not make a deter-
16 mination pursuant to a request under this sub-
17 section because of the omission from the request of
18 any information described in paragraph (2), the re-
19 questor may submit a subsequent request under this
20 subsection for the same proposed use.

21 “(5)(A) Subject to subparagraph (B), the Sec-
22 retary shall provide to the requestor a written deter-
23 mination of whether the proposed use, as proposed
24 by the requestor, will comply with section 9(a), by

1 not later than expiration of the 180-day period be-
2 ginning on the date of the submission of the request.

3 “(B) The Secretary may request, and the re-
4 questor may grant, a written extension of the period
5 under subparagraph (A).

6 “(C) The Secretary may extend the period that
7 applies under paragraph (5) by up to 180 days if—

8 “(i) the Secretary, after consideration of
9 the best available science, demonstrates that
10 seasonal or biological considerations preclude a
11 determination within the period that would oth-
12 erwise apply; and

13 “(ii) the requestor consents to such exten-
14 sion.

15 “(6) If the Secretary fails to provide a written
16 determination before the expiration of the period
17 under paragraph (5)(A) (or any extension thereof
18 under paragraph (5)(B)), the Secretary is deemed to
19 have determined that the proposed use complies with
20 section 9(a).

21 “(7) This subsection shall not apply with re-
22 spect to agency actions that are subject to consulta-
23 tion under section 7.

24 “(8) Any use or action taken by the property
25 owner in reasonable reliance on a written determina-

1 tion of compliance under paragraph (5) or on the
2 application of paragraph (6) shall not be treated as
3 a violation of section 9(a).

4 “(9) Any determination of compliance under
5 this subsection shall remain effective—

6 “(A) in the case of a written determination
7 provided under paragraph (5)(A), for the 10-
8 year period beginning on the date the written
9 determination is provided; or

10 “(B) in the case of a determination that
11 under paragraph (6) the Secretary is deemed to
12 have made, the 5-year period beginning on the
13 first date the Secretary is deemed to have made
14 the determination.

15 “(10) The Secretary may withdraw a deter-
16 mination of compliance under this section only if the
17 Secretary determines that, because of unforeseen
18 changed circumstances, the continuation of the use
19 to which the determination applies would preclude
20 conservation measures essential to the survival of
21 any endangered species or threatened species. Such
22 a withdrawal shall take effect 5 days after the date
23 the requestor receives from the Secretary, by cer-
24 tified mail, notice of the withdrawal.”.

1 **SEC. 6. HABITAT CONSERVATION PLANNING LOAN PRO-**
2 **GRAM.**

3 Section 10(a) (16 U.S.C. 1539(a)) is amended by
4 adding at the end the following:

5 “(3) HABITAT CONSERVATION PLANNING LOAN
6 PROGRAM.—

7 “(A) ESTABLISHMENT.—There is estab-
8 lished a ‘Habitat Conservation Planning Loan
9 Program’ (referred to in this paragraph as the
10 ‘Program’) under which the Secretary may
11 make no-interest loans to assist in the develop-
12 ment of a conservation plan under this section.

13 “(B) ELIGIBILITY.—Any State, county,
14 municipality, or other political subdivision of a
15 State shall be eligible to receive a loan under
16 the Program.

17 “(C) LOAN LIMITS.—The amount of any
18 loan may not exceed the total financial con-
19 tribution of the other parties participating in
20 the development of the plan.

21 “(D) CRITERIA.—In determining whether
22 to make a loan, the Secretary shall consider—

23 “(i) the number of species covered by
24 the plan;

25 “(ii) the extent to which there is a
26 commitment to participate in the planning

1 process from a diversity of interests (in-
2 cluding local governmental, business, envi-
3 ronmental, and property owner interests);

4 “(iii) the likely benefits of the plan;
5 and

6 “(iv) such other factors as the Sec-
7 retary considers appropriate.

8 “(E) TERM OF THE LOAN.—

9 “(i) IN GENERAL.—Except as pro-
10 vided in clauses (ii) and (iii), a loan made
11 under this paragraph shall be for a term of
12 ten years.

13 “(ii) ADVANCED REPAYMENTS.—If no
14 conservation plan is developed within three
15 years after the date of the loan, the loan
16 shall be for a term of four years. If no per-
17 mit is issued under paragraph (1)(B) with
18 respect to the conservation plan within
19 four years after the date of the loan, the
20 loan shall be for a term of five years.

21 “(iii) DELAY IN BEGINNING OF
22 TERM.—The Secretary shall delay the be-
23 ginning of the term of a loan as necessary
24 to allow the borrower to obtain any permit
25 under section 10 that is necessary to carry

1 out activities to be conducted with the
2 loan.”.

○