

contracts, agreements, and easements referred to in paragraph (1) that were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance).

“(B) OTHER.—The Secretary [of Agriculture] may use funds made available to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985 [16 U.S.C. 3871 et seq.], as added by section 2401, to continue to carry out contracts, agreements, and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on the day before the date of enactment of the Agricultural Act of 2014.”

#### **§ 3839bb–5. Voluntary public access and habitat incentive program**

##### **(a) Establishment**

The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for funding to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

##### **(b) Applications**

In submitting applications for funding under the program, a State or tribal government shall describe—

(1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—

(A) hunting and fishing; and  
(B) to the maximum extent practicable, other recreational purposes; and

(2) the methods that will be used to achieve those benefits.

##### **(c) Priority**

In approving applications and awarding funding under the program, the Secretary shall give priority to States and tribal governments that propose—

(1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among land-owners;

(2) to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;

(3) to strengthen wildlife habitat improvement efforts on land enrolled in a conservation reserve enhancement program under section 3831a of this title or on land covered by a wetland reserve easement under section 3865c of this title by providing incentives to increase public hunting and other recreational access on that land;

(4) to use additional Federal, State, tribal government, or private resources in carrying out the program; and

(5) to make available to the public the location of land enrolled.

##### **(d) Relationship to other laws**

###### **(1) No preemption**

Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

##### **(2) Effect of inconsistent opening dates for migratory bird hunting**

The Secretary shall reduce by 25 percent the amount of funding otherwise determined for a State under the program if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents.

##### **(e) Regulations**

The Secretary shall promulgate such regulations as are necessary to carry out this section.

##### **(f) Funding**

###### **(1) Mandatory funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to the maximum extent practicable, \$50,000,000 for the period of fiscal years 2009 through 2012, \$40,000,000 for the period of fiscal years 2014 through 2018, and \$50,000,000 for the period of fiscal years 2019 through 2023.

###### **(2) Enhanced public access to wetland reserve easements**

To the maximum extent practicable, of the funds made available under paragraph (1), the Secretary shall use \$3,000,000 for the period of fiscal years 2019 through 2023 to encourage public access to land covered by wetland reserve easements under section 3865c of this title through agreements with States and tribal governments under this section.

###### **(3) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2013.

(Pub. L. 99–198, title XII, §1240R, as added Pub. L. 110–234, title II, §2606, May 22, 2008, 122 Stat. 1070, and Pub. L. 110–246, §4(a), title II, §2606, June 18, 2008, 122 Stat. 1664, 1798; amended Pub. L. 112–240, title VII, §701(c)(2), Jan. 2, 2013, 126 Stat. 2363; Pub. L. 113–79, title II, §2503(a), Feb. 7, 2014, 128 Stat. 751; Pub. L. 115–334, title II, §§2202(b)(1), 2406, Dec. 20, 2018, 132 Stat. 4537, 4573.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

Section 3834(f)(4) of this title, referred to in subsec. (c)(3), was redesignated as section 3834(g)(2) of this title by Pub. L. 113–79, title II, §§2005(b)(2), (e)(3), Feb. 7, 2014, 128 Stat. 718, 719.

##### **CODIFICATION**

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

##### **AMENDMENTS**

2018—Subsec. (a). Pub. L. 115–334, §2406(1), substituted “funding” for “grants”.

Subsec. (b). Pub. L. 115–334, §2406(2), substituted “funding” for “a grant” in introductory provisions.

Subsec. (c). Pub. L. 115–334, §2406(1), substituted “funding” for “grants” in introductory provisions.

Subsec. (c)(3). Pub. L. 115–334, §2406(3), inserted “or on land covered by a wetland reserve easement under section 3865C of this title” before “by providing”.

Pub. L. 115–334, §2202(b)(1), substituted “a conservation reserve enhancement program under section 3831a of this title” for “a special conservation reserve en-

hancement program described in section 3834(f)(4) of this title”.

Subsec. (d)(2). Pub. L. 115-334, §2406(2), substituted “funding” for “a grant”.

Subsec. (f)(1). Pub. L. 115-334, §2406(4)(A), substituted “2009 through 2012,” for “2009 through 2012 and” and inserted “, and \$50,000,000 for the period of fiscal years 2019 through 2023” before period at end.

Subsec. (f)(2), (3). Pub. L. 115-334, §2406(4)(B), (C), added par. (2) and redesignated former par. (2) as (3).

2014—Subsec. (f)(1). Pub. L. 113-79, in heading, substituted “Mandatory funding” for “Fiscal years 2009 through 2012” and in text, inserted “and \$40,000,000 for the period of fiscal years 2014 through 2018” before period at end.

2013—Subsec. (f). Pub. L. 112-240 added subsec. (f) and struck out former subsec. (f). Prior to amendment, text read as follows: “Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable, \$50,000,000 for the period of fiscal years 2009 through 2012.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of Title 7, Agriculture.

##### EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

### § 3839bb-6. Terminal lakes assistance

#### (a) Definitions

In this section:

##### (1) Eligible land

The term “eligible land” means privately owned agricultural land (including land in which a State has a property interest as a result of State water law)—

(A) that a landowner voluntarily agrees to sell to a State; and

(B) which—

(i)(I) is ineligible for enrollment as a wetland reserve easement established under the agricultural conservation easement program under subtitle H<sup>1</sup> of the Food Security Act of 1985;

(II) is flooded to—

(aa) an average depth of at least 6.5 feet; or

(bb) a level below which the State determines the management of the water level is beyond the control of the State or landowner; or

(III) is inaccessible for agricultural use due to the flooding of adjoining property (such as islands of agricultural land created by flooding);

(ii) is located within a watershed with water rights available for lease or purchase; and

(iii) has been used during at least 5 of the immediately preceding 30 years—

(I) to produce crops or hay; or

(II) as livestock pasture or grazing.

#### (2) Program

The term “program” means the voluntary land purchase program established under this section.

#### (3) Terminal lake

The term “terminal lake” means a lake and its associated riparian and watershed resources that is—

(A) considered flooded because there is no natural outlet for water accumulating in the lake or the associated riparian area such that the watershed and surrounding land is consistently flooded; or

(B) considered terminal because it has no natural outlet and is at risk due to a history of consistent Federal assistance to address critical resource conditions, including insufficient water available to meet the needs of the lake, general uses, and water rights.

#### (b) Assistance

The Secretary shall—

(1) provide grants under subsection (c) for the purchase of eligible land impacted by a terminal lake described in subsection (a)(3)(A); and

(2) provide funds to the Secretary of the Interior pursuant to subsection (e)(2) with assistance in accordance with subsection (d) for terminal lakes described in subsection (a)(3)(B).

#### (c) Land purchase grants

##### (1) In general

Using funds provided under subsection (e)(1), the Secretary shall make available land purchase grants to States for the purchase of eligible land in accordance with this subsection.

##### (2) Implementation

###### (A) Amount

A land purchase grant shall be in an amount not to exceed the lesser of—

(i) 50 percent of the total purchase price per acre of the eligible land; or

(ii)(I) in the case of eligible land that was used to produce crops or hay, \$400 per acre; and

(II) in the case of eligible land that was pasture or grazing land, \$200 per acre.

###### (B) Determination of purchase price

A State purchasing eligible land with a land purchase grant shall ensure, to the maximum extent practicable, that the purchase price of such land reflects the value, if any, of other encumbrances on the eligible land to be purchased, including easements and mineral rights.

###### (C) Cost-share required

To be eligible to receive a land purchase grant, a State shall provide matching non-Federal funds in an amount equal to 50 percent of the amount described in subparagraph (A), including additional non-Federal funds.

###### (D) Conditions

To receive a land purchase grant, a State shall agree—

<sup>1</sup> See References in Text note below.