

(3) Agricultural land easements

A farmer or rancher who owns eligible land subject to an agricultural land easement may enter into a contract under subpart B of part I of subchapter IV.

(e) Compliance with certain requirements

The Secretary may not provide assistance under this subchapter to an eligible entity or owner of eligible land unless the eligible entity or owner agrees, during the crop year for which the assistance is provided—

- (1) to comply with applicable conservation requirements under subchapter II; and
- (2) to comply with applicable wetland protection requirements under subchapter III.

(Pub. L. 99-198, title XII, §1265D, as added Pub. L. 113-79, title II, §2301(a), Feb. 7, 2014, 128 Stat. 742; amended Pub. L. 115-334, title II, §2605, Dec. 20, 2018, 132 Stat. 4591.)

Editorial Notes**REFERENCES IN TEXT**

The Agricultural Act of 2014, referred to in subsec. (d)(2), is Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 649. Subtitle H (§§2701-2713) of title II of the Act amended sections 3801, 3811, and 3842 of this title, repealed sections 3830, 3831a, 3837 to 3837f, 3838h to 3838j, 3838n to 3838q, 3839 to 3839d, 3839aa-9, 3839bb-1, 3839bb-3, and 3839bb-4 of this title, and enacted provisions set out as notes under sections 3801, 3831a, 3837, 3838h, 3838n, 3839aa-9, 3839bb-1, 3839bb-4, and 3843 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9001 of Title 7, Agriculture, and Tables.

AMENDMENTS

2018—Subsec. (a)(4). Pub. L. 115-334, §2605(1), substituted “permitted” for “proposed”.

Subsec. (c). Pub. L. 115-334, §2605(2), added subsec. (c) and struck out former subsec. (c) which allowed the Secretary to subordinate, exchange, modify, or terminate interests in land subject to certain determination, consultation, and notice requirements.

Subsec. (d)(1). Pub. L. 115-334, §2605(3)(A), substituted “enrolled in an easement under section 3865c(b) of this title” for “transferred into the program”.

Subsec. (d)(3). Pub. L. 115-334, §2605(3)(B), added par. (3).

SUBCHAPTER VIII—REGIONAL CONSERVATION PARTNERSHIP PROGRAM

§ 3871. Establishment and purposes**(a) Establishment**

The Secretary shall establish a regional conservation partnership program to implement eligible activities on eligible land through—

- (1) partnership agreements, including partnership agreements funded through alternative funding arrangements or grant agreements under section 3871c(d) of this title, with eligible partners; and
- (2) program contracts with producers.

(b) Purposes

The purposes of the program are as follows:

- (1) To carry out eligible activities to accomplish purposes and functions similar to those of the following programs, as in effect on the day before February 7, 2014:

(A) The agricultural water enhancement program established under section 3839aa-9¹ of this title.

(B) The Chesapeake Bay watershed program established under section 3839bb-4¹ of this title.

(C) The cooperative conservation partnership initiative established under section 3843¹ of this title.

(D) The Great Lakes basin program for soil erosion and sediment control established under section 3839bb-3¹ of this title.

(2) To further the conservation, protection, restoration, and sustainable use of soil, water (including sources of drinking water and groundwater), wildlife, agricultural land, and related natural resources on eligible land on a regional or watershed scale.

(3) To encourage eligible partners to cooperate with producers in—

(A) meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production on eligible land, including through alignment of partnership projects with other national, State, and local agencies and programs addressing similar natural resource or environmental concerns; and

(B) implementing projects that will result in the adoption, installation, and maintenance of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multistate basis.

(4) To encourage the flexible and streamlined delivery of conservation assistance to producers through partnership agreements.

(5) To engage producers and eligible partners in conservation projects to achieve greater conservation outcomes and benefits for producers than would otherwise be achieved.

(Pub. L. 99-198, title XII, §1271, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 744; amended Pub. L. 115-334, title II, §2701, Dec. 20, 2018, 132 Stat. 4592.)

Editorial Notes**REFERENCES IN TEXT**

Sections 3839aa-9, 3839bb-3, 3839bb-4, and 3843 of this title, referred to in subsec. (b)(1), were repealed by Pub. L. 113-79, title II, §§2706(a), 2708, 2709(a), 2710(a), Feb. 7, 2014, 128 Stat. 768, 770.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-334, §2701(1)(A), inserted “, including partnership agreements funded through alternative funding arrangements or grant agreements under section 3871c(d) of this title,” after “partnership agreements”.

Subsec. (a)(2). Pub. L. 115-334, §2701(1)(B), substituted “program contracts with producers” for “contracts with producers”.

Subsec. (b)(1). Pub. L. 115-334, §2701(2)(A), substituted “To carry out eligible activities” for “To use covered programs” in introductory provisions.

Subsec. (b)(2). Pub. L. 115-334, §2701(2)(B), added par. (2) and struck out former par. (2) which read as follows: “To further the conservation, restoration, and sustainable use of soil, water, wildlife, and related natural re-

¹ See References in Text note below.

sources on eligible land on a regional or watershed scale.”

Subsec. (b)(3)(A). Pub. L. 115-334, §2701(2)(C)(i), inserted “, including through alignment of partnership projects with other national, State, and local agencies and programs addressing similar natural resource or environmental concerns” after “production on eligible land”.

Subsec. (b)(3)(B). Pub. L. 115-334, §2701(2)(C)(ii), substituted “adoption, installation, and maintenance” for “installation and maintenance”.

Subsec. (b)(4), (5). Pub. L. 115-334, §2701(2)(D), added pars. (4) and (5).

§ 3871a. Definitions

In this subchapter:

(1) Covered program

The term “covered program” means the following:

(A) The agricultural conservation easement program.

(B) The environmental quality incentives program.

(C) The conservation stewardship program, not including the grassland conservation initiative under section 3839aa-25 of this title.

(D) The healthy forests reserve program established under section 6571 of this title.

(E) The conservation reserve program established under subpart B of part I of subchapter IV.

(F) The programs established by the Secretary to carry out the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), except for any program established by the Secretary to carry out section 14 (16 U.S.C. 1012) of that Act.

(2) Eligible activity

The term “eligible activity” means a practice, activity, agreement, easement, or related conservation measure that is available under the statutory authority for a covered program.

(3) Eligible land

The term “eligible land” means any agricultural or nonindustrial private forest land or associated land on which the Secretary determines an eligible activity would help achieve conservation benefits.

(4) Eligible partner

The term “eligible partner” means any of the following:

(A) An agricultural or silvicultural producer association or other group of producers.

(B) A State or unit of local government.

(C) An Indian tribe.

(D) A farmer cooperative.

(E) A water district, irrigation district, acequia, rural water district or association, or other organization with specific water delivery authority to producers on agricultural land.

(F) A municipal water or wastewater treatment entity.

(G) An institution of higher education.

(H) An organization or entity with an established history of working cooperatively with producers on agricultural land, as determined by the Secretary, to address—

(i) local conservation priorities related to agricultural production, wildlife habitat development, or nonindustrial private forest land management; or

(ii) critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource issues.

(I) An organization described in section 3865a(3)(B) of this title.

(J) A conservation district.

(5) Partnership agreement

The term “partnership agreement” means the programmatic agreement entered into between the Secretary and an eligible partner, subject to the terms and conditions under section 3871b of this title.

(6) Program

The term “program” means the regional conservation partnership program established by this subchapter.

(7) Program contract

(A) In general

The term “program contract” means the contract between the Secretary and a producer entered into under this subchapter.

(B) Exclusion

The term “program contract” does not include a contract under a covered program.

(Pub. L. 99-198, title XII, §1271A, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 745; amended Pub. L. 115-334, title II, §2702, Dec. 20, 2018, 132 Stat. 4593.)

Editorial Notes

REFERENCES IN TEXT

The Watershed Protection and Flood Prevention Act, referred to in par. (1)(F), is act Aug. 4, 1954, ch. 656, 68 Stat. 666, which is classified principally to chapter 18 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

AMENDMENTS

2018—Par. (1)(C). Pub. L. 115-334, §2702(1)(A), inserted “, not including the grassland conservation initiative under section 3839aa-25 of this title” before period at end.

Par. (1)(E), (F). Pub. L. 115-334, §2702(1)(B), added subpars. (E) and (F).

Pars. (2), (3). Pub. L. 115-334, §2702(2), added pars. (2) and (3) and struck out former pars. (2) and (3), which defined “eligible activity” as a conservation activity for specified purposes and types of projects and “eligible land” as specified types of land or associated lands on which agricultural commodities, livestock, or forest-related products are produced.

Par. (4)(E). Pub. L. 115-334, §2702(3)(A), inserted “acequia,” after “irrigation district.”

Par. (4)(I), (J). Pub. L. 115-334, §2702(3)(B), added subpars. (I) and (J).

Par. (5). Pub. L. 115-334, §2702(4), added par. (5) and struck out former par. (5). Prior to amendment, text read as follows: “The term ‘partnership agreement’ means an agreement entered into under section 3871b of this title between the Secretary and an eligible partner.”

Par. (7). Pub. L. 115-334, §2702(5), added par. (7).

§ 3871b. Regional conservation partnerships

(a) Partnership agreements authorized

The Secretary may enter into a partnership agreement with an eligible partner to imple-