

cern for each designated critical conservation area, including—

(A) the priority resource concerns for which each critical conservation area is designated;

(B) conservation goals and outcomes sufficient to demonstrate that progress is being made to address the priority resource concerns;

(C) the partnership agreements selected to address each conservation goal and outcome; and

(D) the extent to which each conservation goal and outcome is being addressed by the partnership agreements.

(c) Compliance with certain requirements

The Secretary may not provide assistance under the program to a producer unless the producer agrees, during the program 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.

(d) Historically underserved producers

To the maximum extent practicable, in carrying out the program, the Secretary and eligible partners shall conduct outreach to beginning farmers and ranchers, veteran farmers and ranchers, socially disadvantaged farmers and ranchers, and limited resource farmers and ranchers to encourage participation by those producers in a project subject to a partnership agreement or funding agreement under 3871c(d)¹ of this title.

(e) Regulations

The Secretary shall issue regulations to carry out the program.

(Pub. L. 99-198, title XII, §1271E, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 749; amended Pub. L. 115-334, title II, §2706, Dec. 20, 2018, 132 Stat. 4599.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, §2706(1), which directed amendment of subsec. (a) by substituting “3871b(e)” for “3871b(d)” wherever appearing, was executed by substituting “3871(e)(2)” for “3871b(d)(2)” and “3871(e)(1)” for “3871b(d)(1)”.

Subsec. (b). Pub. L. 115-334, §2706(2)(A), substituted “December 31, 2019” for “December 31, 2014” in introductory provisions.

Subsec. (b)(1) to (3). Pub. L. 115-334, §2706(2)(B), (C), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively. Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 115-334, §2706(2)(B), (D), redesignated par. (3) as (4) and struck out “and” at end. Former par. (4) redesignated (5).

Subsec. (b)(5). Pub. L. 115-334, §2706(2)(B), (E), redesignated par. (4) as (5) and substituted “3871c(d)” for “3871c(b)(2)” in introductory provisions and “; and” for period at end.

Subsec. (b)(6). Pub. L. 115-334, §2706(2)(F), added par. (6).

Subsecs. (c) to (e). Pub. L. 115-334, §2706(3), added subsecs. (c) to (e).

¹ So in original. Probably should be preceded by “section”.

§ 3871f. Critical conservation areas

(a) Definitions

In this section:

(1) Critical conservation area

The term “critical conservation area” means a geographical area that contains a critical conservation condition that can be addressed through the program.

(2) Priority resource concern

The term “priority resource concern” means a natural resource concern located in a critical conservation area that can be addressed through—

(A) water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

(B) water quantity improvement, including improvement relating to—

(i) drought;

(ii) groundwater, surface water, aquifer, or other water sources; or

(iii) water retention and flood prevention;

(C) wildlife habitat restoration to address species of concern at a Federal, State, or local level; and

(D) other natural resource improvements, as determined by the Secretary, within the critical conservation area.

(b) Applications

In administering funds under section 3871d(d)(2) of this title, the Secretary shall select applications for partnership agreements and program contracts within critical conservation areas designated under this section that address 1 or more priority resource concerns for which the critical conservation area is designated.

(c) Critical conservation area designations

(1) In general

The Secretary shall identify 1 or more priority resource concerns that apply to each critical conservation area designated under this section after February 7, 2014, including the conservation goals and outcomes sufficient to demonstrate that progress is being made to address the priority resource concern.

(2) Priority

In designating critical conservation areas under this section, the Secretary shall give priority to geographical areas based on the degree to which the geographical area—

(A) includes multiple States with significant agricultural production;

(B) is covered by an existing regional, State, binational, or multistate agreement or plan that has established objectives, goals, and work plans and is adopted by a Federal, State, or regional authority;

(C) contains 1 or more priority resource concerns; or

(D) contains producers that need assistance in meeting or avoiding the need for a natural resource regulatory requirement

that could have a negative impact on the economic scope of the agricultural operations within the area.

(3) Review and withdrawal

The Secretary may—

(A) review designations of critical conservation areas under this section not more frequently than once every 5 years; and

(B) withdraw designation of a critical conservation area only if the Secretary determines that the area is no longer a critical conservation area.

(4) Limitation

The Secretary may not designate more than 8 geographical areas as critical conservation areas under this section.

(d) Outreach to eligible partners and producers

The Secretary shall provide outreach and education to eligible partners and producers in critical conservation areas designated under this section to encourage the development of projects to address each priority resource concern identified by the Secretary for that critical conservation area.

(e) Administration

(1) In general

Except as provided in paragraph (2), the Secretary shall administer any partnership agreement or program contract under this section in a manner that is consistent with the terms of the program.

(2) Relationship to existing activity

The Secretary shall, to the maximum extent practicable, ensure that eligible activities carried out in critical conservation areas designated under this section complement and are consistent with other Federal and State programs and water quality and quantity strategies.

(Pub. L. 99-198, title XII, §1271F, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 750; amended Pub. L. 115-334, title II, §2707, Dec. 20, 2018, 132 Stat. 4600.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, §2707(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 115-334, §2707(1), (3), redesignated subsec. (a) as (b), in heading, substituted “Applications” for “In general”, and, in text, substituted “3871d(d)(2)” for “3871d(d)(3)” and “program contracts” for “producer contracts” and inserted “that address 1 or more priority resource concerns for which the critical conservation area is designated” before period at end. Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 115-334, §2707(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (e).

Subsec. (c)(1). Pub. L. 115-334, §2707(4)(B), added par. (1). Former par. (1) redesignated (2).

Subsec. (c)(2). Pub. L. 115-334, §2707(4)(A), (C), redesignated par. (1) as (2), added subpar. (C), redesignated subpar. (E) as (D), and struck out former subpars. (C) and (D) which read as follows:

“(C) would benefit from water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

“(D) would benefit from water quantity improvement, including improvement relating to—

“(i) groundwater, surface water, aquifer, or other water sources; or

“(ii) a need to promote water retention and flood prevention; or”.

Subsec. (c)(3). Pub. L. 115-334, §2707(4)(D), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “Critical conservation area designations under this section shall expire after 5 years, subject to redesignation, except that the Secretary may withdraw designation from an area if the Secretary finds the area no longer meets the conditions described in paragraph (1).”

Pub. L. 115-334, §2707(4)(A), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (c)(4). Pub. L. 115-334, §2707(4)(A), redesignated par. (3) as (4).

Subsec. (d). Pub. L. 115-334, §2707(5), added subsec. (d).

Subsec. (e). Pub. L. 115-334, §2707(1), redesignated subsec. (c) as (e).

Subsec. (e)(1). Pub. L. 115-334, §2707(6)(A), substituted “program contract” for “producer contract”.

Subsec. (e)(3). Pub. L. 115-334, §2707(6)(B), struck out par. (3). Text read as follows: “For a critical conservation area described in subsection (b)(1)(D), the Secretary may use authorities under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), other than section 14 of such Act (16 U.S.C. 1012), to carry out projects for the purposes of this section.”

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SUBCHAPTER I—GENERAL PROVISIONS

§ 3901. Findings and statement of purpose

(a) Findings

The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens of the Nation;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering and ultimate survival of a major portion of the migratory and resident fish and wildlife of the Nation; including migratory birds, endangered species, commercially and recreationally important finfish, shellfish and