

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.”

## CHAPTER 59—WETLANDS RESOURCES

### SUBCHAPTER I—GENERAL PROVISIONS

Sec.

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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

other aquatic organisms, and contain many unique species and communities of wild plants;

(3) the migratory bird treaty obligations of the Nation with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere require Federal protection of wetlands that are used by migratory birds for breeding, wintering or migration and needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(4) wetlands, and the fish, wildlife, and plants dependent on wetlands, provide significant recreational and commercial benefits, including—

(A) contributions to a commercial marine harvest valued at over \$10,000,000,000 annually;

(B) support for a major portion of the Nation's multimillion dollar annual fur and hide harvest; and

(C) fishing, hunting, birdwatching, nature observation and other wetland-related recreational activities that generate billions of dollars annually;

(5) wetlands enhance the water quality and water supply of the Nation by serving as groundwater recharge areas, nutrient traps, and chemical sinks;

(6) wetlands provide a natural means of flood and erosion control by retaining water during periods of high runoff, thereby protecting against loss of life and property;

(7) wetlands constitute only a small percentage of the land area of the United States, are estimated to have been reduced by half in the contiguous States since the founding of our Nation, and continue to disappear by hundreds of thousands of acres each year;

(8) certain activities of the Federal Government have inappropriately altered or assisted in the alteration of wetlands, thereby unnecessarily stimulating and accelerating the loss of these valuable resources and the environmental and economic benefits that they provide; and

(9) the existing Federal, State, and private cooperation in wetlands conservation should be strengthened in order to minimize further losses of these valuable areas and to assure their management in the public interest for this and future generations.

#### (b) Purpose

It is the purpose of this chapter to promote, in concert with other Federal and State statutes and programs, the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere by—

(1) intensifying cooperative efforts among private interests and local, State, and Federal governments for the management and conservation of wetlands; and

(2) intensifying efforts to protect the wetlands of the Nation through acquisition in fee,

easements or other interests and methods by local, State, and Federal governments and the private sector.

(Pub. L. 99-645, §2, Nov. 10, 1986, 100 Stat. 3582.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 99-645, Nov. 10, 1986, 100 Stat. 3582, known as the Emergency Wetlands Resources Act of 1986. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 99-645, §1, Nov. 10, 1986, 100 Stat. 3582, provided that: “This Act [enacting this chapter, amending sections 4601-8, 4601-9, 707, 715k-3, 715k-5, and 718b of this title, and enacting a provision set out in the table under section 668dd of this title] may be cited as the ‘Emergency Wetlands Resources Act of 1986’.”

#### § 3902. Definitions

For the purpose of this chapter:

(1) The term “Committees” means the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate.

(2) The term “designated unit” means a unit of the National Wildlife Refuge System designated by the Secretary under section 3911(a)(2)<sup>1</sup> of this title.

(3) The term “hydric soil” means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(4) The term “hydrophytic vegetation” means a plant growing in—

(A) water; or

(B) a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

(5) The term “wetland” means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(Pub. L. 99-645, §3, Nov. 10, 1986, 100 Stat. 3583; Pub. L. 103-437, §6(d)(41), Nov. 2, 1994, 108 Stat. 4585.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 3911 of this title, referred to in par. (2), was repealed by Pub. L. 108-447, div. J, title VIII, §813(c), Dec. 8, 2004, 118 Stat. 3390.

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