

§ 3923. Restriction on use of eminent domain in acquisitions

The powers of condemnation or eminent domain shall not be used in the acquisition of wetlands under any provision of this chapter where such wetlands have been constructed for the purpose of farming or ranching, or result from conservation activities associated with farming or ranching.

(Pub. L. 99-645, title III, §305, Nov. 10, 1986, 100 Stat. 3588.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, 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 set out under section 3901 of this title and Tables.

SUBCHAPTER IV—WETLANDS INVENTORY AND TREND ANALYSIS

§ 3931. National wetlands inventory project

(a) In general

The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall continue the National Wetlands Inventory Project and shall—

(1) produce, by September 30, 1988, National Wetlands Inventory maps for the areas that have been identified by the Service as top priorities for mapping, including—

- (A) the entire coastal zone of the United States;
- (B) floodplains of major rivers; and
- (C) the Prairie Pothole region;

(2) produce, by September 30, 1998, National Wetlands Inventory maps for those portions of the contiguous United States for which final maps have not been produced earlier;

(3) produce, by September 30, 2000, National Wetlands Inventory maps for Alaska and other noncontiguous portions of the United States;

(4) produce, by September 30, 1990, and at ten-year intervals thereafter, reports to update and improve the information contained in the report dated September 1982 and entitled “Status and Trends of Wetlands and Deepwater Habitat in the Conterminous United States, 1950’s to 1970’s”;

(5) produce, by April 30, 1990, a report that provides—

(A) an assessment of the estimated total number of acres of wetland habitat as of the 1780’s in the areas that now comprise each State; and

(B) an assessment of the estimated total number of acres of wetlands in each State as of the 1980’s, and the percentage of loss of wetlands in each State between the 1780’s and the 1980’s;

(6) produce, by September 30, 2004, a digital wetlands data base for the United States based on the final wetlands maps produced under this section; and

(7) archive and make available for dissemination wetlands data and maps digitized under

this section as such data and maps become available.

(b) Notice

The Secretary shall notify the appropriate State and local units of government at such time as he proposes to begin map preparation under subsection (a) in an area. Such notice shall include, but is not limited to, the identification of the area to be mapped, the proposed schedule for completion, and the identification of a source for further information.

(Pub. L. 99-645, title IV, §401, Nov. 10, 1986, 100 Stat. 3588; Pub. L. 101-233, §18, Dec. 13, 1989, 103 Stat. 1978; Pub. L. 102-440, title III, §305, Oct. 23, 1992, 106 Stat. 2235.)

Editorial Notes

AMENDMENTS

1992—Subsec. (a)(3). Pub. L. 102-440, §305(1), substituted “by September 30, 2000” for “as soon as practicable”.

Subsec. (a)(4). Pub. L. 102-440, §305(2), which directed amendment of par. (4) by substituting a semicolon for “, And”, was executed by making the substitution for “, and”, to reflect the probable intent of Congress.

Subsec. (a)(6), (7). Pub. L. 102-440, §305(3), (4), added pars. (6) and (7).

1989—Subsec. (a)(5). Pub. L. 101-233 added par. (5).

§ 3932. Reports to Congress

(a) In general

The Secretary, in consultation and cooperation with the Secretary of Agriculture, shall prepare and submit to the committees—

(1) by March 30, 1987, a report regarding the status, condition, and trends of wetlands in the lower Mississippi alluvial plain and the prairie pothole regions of the United States; and

(2) by September 30, 1987, a report regarding trends of wetlands in all other areas of the United States.

(b) Contents of reports

The reports required under subsection (a) shall contain—

(1) an analysis of the factors responsible for wetlands destruction, degradation, protection and enhancement;

(2) a compilation and analysis of Federal statutory and regulatory mechanisms, including expenditures, financial assistance, and tax provisions which—

(A) induce wetlands destruction or degradation; or

(B) protect or enhance wetlands;

(3) a compilation and analysis of Federal expenditures resulting from wetlands destruction, degradation, protection or enhancement;

(4) an analysis of public and private patterns of ownership of wetlands;

(5) an analysis of the environmental and economic impact of eliminating or restricting future Federal expenditures and financial assistance, whether direct or indirect, which have the effect of encouraging the destruction, degradation, protection or enhancement of wetlands, including—

(A) public works expenditures;