

## PRIOR PROVISIONS

A prior section 3823, Pub. L. 99-198, title XII, §1223, Dec. 23, 1985, 99 Stat. 1508; Pub. L. 101-624, title XIV, §1423, Nov. 28, 1990, 104 Stat. 3576; Pub. L. 102-237, title II, §204(4), Dec. 13, 1991, 105 Stat. 1855, related to consultation with Secretary of the Interior, prior to repeal by Pub. L. 104-127, title III, §§323, 326, Apr. 4, 1996, 110 Stat. 992, effective 90 days after Apr. 4, 1996.

## EFFECTIVE DATE

Section effective 90 days after Apr. 4, 1996, see section 326 of Pub. L. 104-127, set out as an Effective Date of 1996 Amendment note under section 3821 of this title.

**§ 3824. Fairness of compliance**

If the actions of an unrelated person or public entity, outside the control of, and without the prior approval of, the landowner or tenant result in a change in the characteristics of cropland that would cause the land to be determined to be a wetland, the affected land shall not be considered to be wetland for purposes of this subchapter.

(Pub. L. 99-198, title XII, §1224, as added Pub. L. 101-624, title XIV, §1424, Nov. 28, 1990, 104 Stat. 3576.)

SUBCHAPTER IV—AGRICULTURAL  
RESOURCES CONSERVATION PROGRAMPART I—COMPREHENSIVE CONSERVATION  
ENHANCEMENT PROGRAM

## SUBPART A—GENERAL PROVISIONS

**§ 3830. Comprehensive conservation enhancement program****(a) Establishment****(1) In general**

During the 1996 through 2002 calendar years, the Secretary shall establish a comprehensive conservation enhancement program (referred to in this section as “CCEP”) to be implemented through contracts and the acquisition of easements to assist owners and operators of farms and ranches to conserve and enhance soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

**(2) Means**

The Secretary shall carry out the CCEP by—

- (A) providing for the long-term protection of environmentally sensitive land; and
- (B) providing technical and financial assistance to farmers and ranchers to—
  - (i) improve the management and operation of the farms and ranches; and
  - (ii) reconcile productivity and profitability with protection and enhancement of the environment.

**(3) Programs**

The CCEP shall consist of—

- (A) the conservation reserve program established under subpart B;
- (B) the wetlands reserve program established under subpart C; and
- (C) the environmental quality incentives program established under part IV of this subchapter.

**(b) Administration****(1) In general**

In carrying out the CCEP, the Secretary shall enter into contracts with owners and operators and acquire interests in land through easements from owners, as provided in this part and part IV of this subchapter.

**(2) Prior enrollments**

Acreage enrolled in the conservation reserve or wetlands reserve program prior to April 4, 1996, shall be considered to be placed into the CCEP.

(Pub. L. 99-198, title XII, §1230, as added Pub. L. 101-624, title XIV, §1431(2), Nov. 28, 1990, 104 Stat. 3576; amended Pub. L. 103-66, title I, §1402(a), Aug. 10, 1993, 107 Stat. 332; Pub. L. 104-127, title III, §331, Apr. 4, 1996, 110 Stat. 992; Pub. L. 107-171, title II, §2006(b), May 13, 2002, 116 Stat. 237.)

## AMENDMENTS

2002—Pub. L. 107-171, §2006(b)(1), substituted “Comprehensive conservation enhancement program” for “Environmental conservation acreage reserve program” in section catchline.

Subsec. (a)(1). Pub. L. 107-171, §2006(b)(2), (4), substituted “a comprehensive conservation enhancement program” for “an environmental conservation acreage reserve program” and “CCEP” for “ECARP”.

Subsecs. (a)(2), (3), (b). Pub. L. 107-171, §2006(b)(4), substituted “CCEP” for “ECARP” wherever appearing.

Subsec. (c). Pub. L. 107-171, §2006(b)(3), struck out heading and text of subsec. (c). Text read as follows:

“(1) DESIGNATION.—The Secretary may designate watersheds, multistate areas, or regions of special environmental sensitivity as conservation priority areas that are eligible for enhanced assistance under this part and part IV of this subchapter.

“(2) ASSISTANCE.—The Secretary may designate areas as conservation priority areas to assist, to the maximum extent practicable, agricultural producers within the conservation priority areas to comply with nonpoint source pollution requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and other Federal and State environmental laws and to meet other conservation needs.

“(3) PRODUCERS.—The Secretary may provide technical assistance, cost-share payments, and incentive payments to producers in a conservation priority area under this part and part IV of this subchapter based on—

“(A) the significance of the soil, water, wildlife habitat, and related natural resource problems in a watershed, multistate area, or region; and

“(B) the structural practices or land management practices that best address the problems, and that maximize environmental benefits for each dollar expended, as determined by the Secretary.”

1996—Pub. L. 104-127 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) requiring Secretary to establish and implement an Environmental Conservation Acreage Reserve Program during 1991 through 1995 calendar years.

1993—Subsec. (b). Pub. L. 103-66 struck out before period at end “to place in the Environmental Conservation Acreage Reserve Program during the 1986 through 1995 calendar years a total of not less than 40,000,000 nor more than 45,000,000 acres”.

## CONSERVATION ASSISTANCE

Pub. L. 106-224, title II, §211, June 20, 2000, 114 Stat. 406, as amended by Pub. L. 107-171, title II, §2503(b)(1)(B), May 13, 2002, 116 Stat. 269, provided that:

“(a) ESTABLISHMENT.—The Secretary shall use \$40,000,000 of funds of the Commodity Credit Corpora-

tion to provide financial assistance to farmers and ranchers to—

“(1) address threats to soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat;

“(2) comply with Federal and State environmental laws; and

“(3) make beneficial, cost-effective changes to cropping systems, grazing management, manure, nutrient, pest, or irrigation management, land uses, or other measures needed to conserve and improve soil, water, and related natural resources.

“(b) TYPE OF ASSISTANCE.—Assistance under this section may be made in the form of cost share payments or incentive payments, as determined by the Secretary.

“(c) AREAS.—The Secretary shall provide assistance under this section to areas that are not designated under section 1230(c) of the Food Security Act of 1985 ([former] 16 U.S.C. 3830(c)).”

#### FARMLAND PROTECTION PROGRAM

Pub. L. 104-127, title III, § 388, Apr. 4, 1996, 110 Stat. 1020, directed Secretary of Agriculture to establish and carry out a farmland protection program, prior to repeal by Pub. L. 107-171, title II, § 2503(b)(1)(A), May 13, 2002, 116 Stat. 269.

[Pub. L. 107-171, title II, § 2503(b)(2), May 13, 2002, 116 Stat. 269, provided that: “The amendment made by paragraph (1)(A) [repealing section 388 of Pub. L. 104-127, formerly set out above] shall have no effect on any contract entered into under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 [Pub. L. 104-127] (16 U.S.C. 3830 note) that is in effect as of the date of enactment of this Act [May 13, 2002].”]

#### § 3830a. Repealed. Pub. L. 107-171, title I, § 1613(j)(3), title II, § 2006(c), May 13, 2002, 116 Stat. 221, 237

Section, Pub. L. 99-198, title XII, § 1230A, as added Pub. L. 106-387, § 1(a) [title VII, § 755], Oct. 28, 2000, 114 Stat. 1549, 1549A-42, related to good faith reliance.

#### SUBPART B—CONSERVATION RESERVE

##### CODIFICATION

Subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985, comprising this subpart, was originally designated in Pub. L. 99-198, title XII, Dec. 23, 1985, 99 Stat. 1509, by Pub. L. 101-624, title XIV, §§ 1431(1), 1432(1), Nov. 28, 1990, 104 Stat. 3576, 3577, and amended by Pub. L. 99-500, Oct. 18, 1986, 100 Stat. 1783, and Pub. L. 99-591, Oct. 30, 1986, 100 Stat. 3341; Pub. L. 99-641, Nov. 10, 1986, 100 Stat. 3556; Pub. L. 100-233, Jan. 6, 1988, 101 Stat. 1568; Pub. L. 100-387, Aug. 11, 1988, 102 Stat. 924; Pub. L. 101-512, Nov. 5, 1990, 104 Stat. 1915; Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359; Pub. L. 102-237, Dec. 13, 1991, 105 Stat. 1818; Pub. L. 102-324, July 22, 1992, 106 Stat. 447; Pub. L. 102-552, Oct. 28, 1992, 106 Stat. 4102; Pub. L. 103-66, Aug. 10, 1993, 107 Stat. 312; Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 888; Pub. L. 106-78, Oct. 22, 1999, 113 Stat. 1135; Pub. L. 106-387, Oct. 28, 2000, 114 Stat. 1549; Pub. L. 107-76, Nov. 28, 2001, 115 Stat. 704. Subchapter B is shown herein, however, as having been added by Pub. L. 107-171, title II, § 2101(a), May 13, 2002, 116 Stat. 238, without reference to the intervening amendments because of the extensive revision of the subchapter's provisions by Pub. L. 107-171.

#### § 3831. Conservation reserve

##### (a) In general

Through the 2012 fiscal year, the Secretary shall formulate and carry out a conservation reserve program under which land is enrolled through the use of contracts to assist owners and operators of land specified in subsection (b) of this section to conserve and improve the soil,

water, and wildlife resources of such land and to address issues raised by State, regional, and national conservation initiatives.

##### (b) Eligible land

The Secretary may include in the program established under this subpart—

(1) highly erodible cropland that—

(A)(i) if permitted to remain untreated could substantially reduce the agricultural production capability for future generations; or

(ii) cannot be farmed in accordance with a plan that complies with the requirements of subchapter II of this chapter; and

(B) the Secretary determines had a cropping history or was considered to be planted for 4 of the 6 years preceding the date of enactment of the Food, Conservation, and Energy Act of 2008 (except for land enrolled in the conservation reserve program as of that date);

(2) marginal pasture land converted to wetland or established as wildlife habitat prior to November 28, 1990;

(3) marginal pasture land to be devoted to appropriate vegetation, including trees, in or near riparian areas, or devoted to similar water quality purposes (including marginal pastureland converted to wetland or established as wildlife habitat);

(4) cropland that is otherwise ineligible if the Secretary determines that—

(A) if permitted to remain in agricultural production, the land would—

(i) contribute to the degradation of soil, water, or air quality; or

(ii) pose an on-site or off-site environmental threat to soil, water, or air quality;

(B) the land is a—

(i) newly-created, permanent grass sod waterway; or

(ii) a contour grass sod strip established and maintained as part of an approved conservation plan;

(C) the land will be devoted to newly established living snow fences, permanent wildlife habitat, windbreaks, shelterbelts, or filterstrips devoted to trees or shrubs;

(D) the land poses an off-farm environmental threat, or a threat of continued degradation of productivity due to soil salinity, if permitted to remain in production; or

(E) enrollment of the land would facilitate a net savings in groundwater or surface water resources of the agricultural operation of the producer; or

(5) the portion of land in a field not enrolled in the conservation reserve in a case in which more than 50 percent of the land in the field is enrolled as a buffer, if—

(A) the land is enrolled as part of the buffer; and

(B) the remainder of the field is—

(i) infeasible to farm; and

(ii) enrolled at regular rental rates.

##### (c) Planting status of certain land

For purposes of determining the eligibility of land to be placed in the conservation reserve es-