

gram as a special component of the urban and community forestry assistance program established under section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) (as amended by section 1219). Such program shall terminate on December 31, 2001.”

#### TREE PLANTING INITIATIVE

Pub. L. 99-198, title XII, §1256, as added by Pub. L. 101-624, title XIV, §1441(a), Nov. 28, 1990, 104 Stat. 3601, set forth policy relating to maintenance, afforestation, and reforestation of forest lands and provisions relating to implementation of policy and agreements with State forestry agencies, prior to repeal by Pub. L. 104-127, title III, §336(e), Apr. 4, 1996, 110 Stat. 1007.

#### TRANSFER OF FOREST TREE NURSERY FACILITIES TO STATES

Pub. L. 87-492, June 25, 1962, 76 Stat. 107, provided: “That the Congress recognizes that for many years the United States and certain States have cooperated in the production of tree planting stock for use in the reforestation of the public and private lands of the Nation; that the program of production of tree planting stock which was initiated and pursued under the Soil Bank Act (7 U.S.C. 1801 et seq.) [repealed] was carried on under written agreements which provided for (a) cooperation between the Forest Service, on behalf of the United States, and the States which participated in the program, (b) payments to said States for costs and expenses incurred in the development of nursery facilities, (c) the holding of such funds by the States in trust for the purpose of carrying out the provisions of said agreements, and (d) restoration to the trust fund of an amount equal to the residual value of any supplies, materials, equipment, or improvements acquired or constructed with trust funds and transferred to State forestry work other than the soil bank program; that such program under said Soil Bank Act has been discontinued, but the need for the trees continues to be great; that the States and Federal Government are cooperating in the procurement, production, and distribution of forest-tree seeds and plants under section 4 of the Clarke-McNary Act of June 7, 1924 (16 U.S.C. 567), and in the reforestation of lands under title IV of the Agricultural Act of 1956 (16 U.S.C. 568e and 568g); and that said participating States need the said supplies, materials, equipment, or improvements for use in connection with their respective forestry programs, and it is in the public interest to permit these States to use said property without the requirement that payment be made for the residual value thereof.

“SEC. 2. For the purpose of assisting those States which participated in the program carried on under the Soil Bank Act [section 1801 et seq. of Title 7, Agriculture] [repealed] in continuing the production of needed tree planting stock and in other forestry programs, the Secretary of Agriculture is authorized to permit any supplies, materials, equipment, or improvements acquired or constructed with trust funds under the agreements referred to in section 1 to be used in such State forestry work as may further the objectives of related Federal programs, as he may approve, without the requirement that any payment be made by the State into the trust funds.”

#### § 2101a. State-wide assessment and strategies for forest resources

##### (a) Assessment and strategies for forest resources

For a State to be eligible to receive funds under the authorities of this chapter, the State forester of that State or equivalent State official shall develop and submit to the Secretary, not later than two years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the following:

- (1) A State-wide assessment of forest resource conditions, including—

- (A) the conditions and trends of forest resources in that State;

- (B) the threats to forest lands and resources in that State consistent with the national priorities specified in section 2101(c) of this title;

- (C) any areas or regions of that State that are a priority; and

- (D) any multi-State areas that are a regional priority.

- (2) A long-term State-wide forest resource strategy, including—

- (A) strategies for addressing threats to forest resources in the State outlined in the assessment required by paragraph (1); and

- (B) a description of the resources necessary for the State forester or equivalent State official from all sources to address the State-wide strategy.

##### (b) Updating

At such times as the Secretary determines to be necessary, the State forester or equivalent State official shall update and resubmit to the Secretary the State-wide assessment and State-wide strategy required by subsection (a).

##### (c) Coordination

In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State Forester or equivalent State official shall coordinate with—

- (1) the State Forest Stewardship Coordinating Committee established for the State under section 2113(b) of this title;

- (2) the State wildlife agency, with respect to strategies contained in the State wildlife action plans;

- (3) the State Technical Committee;

- (4) applicable Federal land management agencies; and

- (5) for purposes of the Forest Legacy Program under section 2103c of this title, the State lead agency designated by the Governor.

##### (d) Incorporation of other plans

In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State forester or equivalent State official shall incorporate any forest management plan of the State, including community wildfire protection plans and State wildlife action plans.

##### (e) Sufficiency

Once approved by the Secretary, a State-wide assessment and State-wide strategy developed under subsection (a) shall be deemed to be sufficient to satisfy all relevant State planning and assessment requirements under this chapter.

##### (f) Funding

###### (1) Authorization of appropriations

There are authorized to be appropriated to carry out this section up to \$10,000,000 for each of fiscal years 2008 through 2012.

###### (2) Additional funding sources

In addition to the funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1) to carry out this section, the Secretary may use any other

funds made available for planning under this chapter to carry out this section, except that the total amount of combined funding used to carry out this section may not exceed \$10,000,000 in any fiscal year.

**(g) Annual report on use of funds**

The State forester or equivalent State official shall submit to the Secretary an annual report detailing how funds made available to the State under this chapter are being used.

(Pub. L. 95-313, §2A, as added Pub. L. 110-234, title VIII, §8002, May 22, 2008, 122 Stat. 1280, and Pub. L. 110-246, §4(a), title VIII, §8002, June 18, 2008, 122 Stat. 1664, 2041.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (e), (f)(2), and (g), was in the original “this Act”, meaning Pub. L. 95-313, July 1, 1978, 92 Stat. 365, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of this title and Tables.

The date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (a), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

**§ 2102. Rural forestry assistance**

**(a) Assistance to forest landowners and others**

The Secretary may provide financial, technical, educational, and related assistance to State foresters or equivalent State officials, and State extension directors, to enable such officials to provide technical information, advice, and related assistance to private forest land owners and managers, vendors, forest resource operators, forest resource professionals, public agencies, and individuals to enable such persons to carry out activities that are consistent with the purposes of this chapter, including—

- (1) protecting, maintaining, enhancing, restoring, and preserving forest lands and the multiple values and uses that depend on such lands;
- (2) identifying, protecting, maintaining, enhancing, and preserving wildlife and fish species, including threatened and endangered species, and their habitats;
- (3) implementing forest management technologies;
- (4) selecting, producing, and marketing alternative forest crops, products and services from forest lands;
- (5) protecting forest land from damage caused by fire, insects, disease, and damaging weather;
- (6) managing the rural-land and urban-land interface to balance the use of forest resources in and adjacent to urban and community areas;

(7) identifying and managing recreational forest land resources;

(8) identifying and protecting the aesthetic character of forest lands;

(9) protecting forest land from conversion to alternative uses; and

(10) the management of resources of forest lands, including—

(A) the harvesting, processing, and marketing of timber and other forest resources and the marketing and utilization of wood and wood products;

(B) the conversion of wood to energy for domestic, industrial, municipal, and other uses;

(C) the planning, management, and treatment of forest land, including site preparation, reforestation, thinning, prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of timber and other forest resources;

(D) ensuring that forest regeneration or reforestation occurs if needed to sustain long-term resource productivity;

(E) protecting and improving forest soil fertility and the quality, quantity, and timing of water yields; and

(F) encouraging the investment of a portion of the proceeds from the sale of timber or other forest resources in stewardship activities that preserve, protect, maintain, and enhance their forest land.

**(b) State forestry assistance**

The Secretary is authorized to provide financial, technical, and related assistance to State foresters, or equivalent State officials, to—

(1) develop genetically improved tree seeds;

(2) develop and contract for the development of field arboretums, greenhouses, and tree nurseries, in cooperation with a State, to facilitate production and distribution of tree seeds and seedlings in States where the Secretary determines that there is an inadequate capacity to carry out present and future reforestation needs;

(3) procure, produce, and distribute tree seeds and trees for the purpose of establishing forests, windbreaks, shelterbelts, woodlots, and other plantings;

(4) plant tree seeds and seedlings on non-Federal forest lands that are suitable for the production of timber, recreation, and for other benefits associated with the growing of trees;

(5) plan, organize, and implement measures on non-Federal forest lands, including thinning, prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of trees and other vegetation, fish and wildlife habitat, and water yielded therefrom; and

(6) protect or improve soil fertility on non-Federal forest lands and the quality, quantity, and timing of water yields therefrom.

**(c) Implementation**

In implementing this section, the Secretary shall cooperate with other Federal, State, and local natural resource management agencies, universities and the private sector.