

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 L. 110-234 was repealed by section 4(a) of Pub.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.

**(d) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 95-313, § 3, July 1, 1978, 92 Stat. 366; Pub. L. 101-624, title XII, § 1213, Nov. 28, 1990, 104 Stat. 3523.)

## AMENDMENTS

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions which set forth Congressional findings relating to rural forestry assistance, related to financial, technical, and related assistance to State foresters or equivalent State officials, and authorized appropriations.

**§ 2103. Forest land enhancement program****(a) Establishment****(1) In general**

The Secretary of Agriculture shall establish a forest land enhancement program—

(A) to provide financial assistance to State foresters; and

(B) to encourage the long-term sustainability of nonindustrial private forest lands in the United States by assisting the owners of nonindustrial private forest lands, through State foresters, in more actively managing the nonindustrial private forest lands and related resources of those owners through the use of State, Federal, and private sector resource management expertise, financial assistance, and educational programs.

**(2) Coordination and consultation**

The Secretary, acting through State foresters, shall implement the program—

(A) in coordination with the State Forest Stewardship Coordinating Committees; and

(B) in consultation with other Federal, State, and local natural resource management agencies, institutions of higher education, and a broad range of private sector interests.

**(b) Program objectives**

In implementing the program, the Secretary shall target resources to achieve the following objectives:

(1) Investing in practices to establish, restore, protect, manage, maintain, and enhance the health and productivity of the nonindustrial private forest lands in the United States for timber, habitat for flora and fauna, soil, water, and air quality, wetlands, and riparian buffers.

(2) Ensuring that afforestation, reforestation, improvement of poorly stocked stands, timber stand improvement, practices necessary to improve seedling growth and survival, and growth enhancement practices occur where needed to enhance and sustain the long-term productivity of timber and nontimber forest resources to help meet future public demand for all forest resources and provide environmental benefits.

(3) Reducing the risks and helping restore, recover, and mitigate the damage to forests caused by fire, insects, invasive species, disease, and damaging weather.

(4) Increasing and enhancing carbon sequestration opportunities.

(5) Enhancing implementation of agroforestry practices.

(6) Maintaining and enhancing the forest landbase and leverage State and local financial and technical assistance to owners that promote the same conservation and environmental values.

(7) Preserving the aesthetic quality of nonindustrial private forest lands and providing opportunities for outdoor recreation.

**(c) State priority plan****(1) Development**

The State Forester and State Forest Stewardship Coordinating Committee of a State shall jointly develop and submit to the Secretary a State priority plan that is intended to promote forest management objectives in that State.

**(2) Report**

Not later than September 30, 2006, each State that implemented a State priority plan shall submit to the Secretary a report describing the status of all activities and practices funded under the program as of that date.

**(d) Owner eligibility for assistance****(1) Eligibility criteria**

To be eligible for cost-share assistance under the program, an owner of nonindustrial private forest lands shall agree—

(A) to develop and implement, in cooperation with a State forester, another State official, or a professional resources manager, a management plan that—

(i) except as provided in paragraph (2) or (3), provides for the treatment of not more than 1,000 acres of nonindustrial private forest lands;

(ii) is approved by the State forester; and

(iii) addresses site specific activities and practices; and

(B) to implement approved activities and practices in a manner consistent with the management plan for a period of not less than 10 years, unless the State forester approves a modification to the plan.

**(2) Public benefit exception**

The Secretary may increase the acreage limitation specified in paragraph (1)(A)(i) to not more than 5,000 acres for an owner of nonindustrial private forest lands if the Secretary, in consultation with the State forester, determines that significant public benefits will accrue as a result of the provision of cost-share assistance under the program for the treatment of the additional acreage.

**(3) Plan development exception**

An owner may receive cost-share assistance under the program for the purpose of developing a management plan under subsection (e) of this section that provides for the treatment of acreage in excess of the acreage limitations specified in paragraphs (1)(A)(i) and (2), except that the owner's eligibility for cost-share assistance to implement approved activities and practices under the management plan remains