

set out as a note under this section, was transferred and is classified to section 1011a of this title.

### § 1011a. Watershed agreements

#### (a) Watershed restoration and enhancement agreements

For fiscal year 2006 and each fiscal year thereafter, to the extent funds are otherwise available, appropriations for the Forest Service may be used by the Secretary of Agriculture for the purpose of entering into cooperative agreements with willing Federal, tribal, State and local governments, private and nonprofit entities and landowners for the protection, restoration and enhancement of fish and wildlife habitat, and other resources on public or private land, the reduction of risk from natural disaster where public safety is threatened, or a combination thereof or both that benefit these resources within the watershed.

#### (b) Direct and indirect watershed agreements

The Secretary of Agriculture may enter into a watershed restoration and enhancement agreement—

- (1) directly with a willing private landowner; or
- (2) indirectly through an agreement with a State, local or tribal government or other public entity, educational institution, or private nonprofit organization.

#### (c) Terms and conditions

In order for the Secretary to enter into a watershed restoration and enhancement agreement—

- (1) the agreement shall—
  - (A) include such terms and conditions mutually agreed to by the Secretary and the landowner, state<sup>1</sup> or local government, or private or nonprofit entity;
  - (B) improve the viability of and otherwise benefit the fish, wildlife, and other resources on national forests lands within the watershed;
  - (C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;
  - (D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner(s), and other entities, as mutually agreed on by the affected interests; and
  - (E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and
- (2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on non-Federal lands, provided such terms and conditions are mutually agreed to by the Secretary and other landowners, State and local governments or both.

#### (d) Applicable law

Chapter 63 of title 31 shall not apply to—

- (1) a watershed restoration and enhancement agreement entered into under this section; or

- (2) an agreement entered into under section 565a-1 of this title.

#### (e) Reporting requirements

Not later than December 31, 1999, the Secretary shall submit a report to the Committees on Appropriations of the House and Senate, which contains—

- (1) A<sup>2</sup> concise description of each project, including the project purpose, location on federal<sup>1</sup> and non-federal<sup>3</sup> land, key activities, and all parties to the agreement.
- (2) the funding and/or other contributions provided by each party for each project agreement.

(Pub. L. 105-277, div. A, §101(e) [title III, §323], Oct. 21, 1998, 112 Stat. 2681-231, 2681-290; Pub. L. 107-63, title III, §330, Nov. 5, 2001, 115 Stat. 471; Pub. L. 109-54, title IV, §434, Aug. 2, 2005, 119 Stat. 557; Pub. L. 111-11, title III, §3001, Mar. 30, 2009, 123 Stat. 1126.)

#### CODIFICATION

Section was formerly set out as a note under section 1011 of this title.

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1999, and also as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the Watershed Protection and Flood Prevention Act which comprises this chapter.

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111-11, §3001(1), substituted “fiscal year 2006 and each fiscal year thereafter” for “each of fiscal years 2006 through 2011”.

Subsecs. (d), (e). Pub. L. 111-11, §3001(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e).

2005—Subsec. (a). Pub. L. 109-54 substituted “each of fiscal years 2006 through 2011” for “fiscal year 1999, 2000 and 2001, and fiscal years 2002 through 2005”.

2001—Subsec. (a). Pub. L. 107-63 inserted “and fiscal years 2002 through 2005,” before “to the extent funds are otherwise available”.

#### SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation act:

Pub. L. 105-83, title III, §334, Nov. 14, 1997, 111 Stat. 1601.

### § 1012. Rehabilitation of structural measures near, at, or past their evaluated life expectancy

#### (a) Definitions

For purposes of this section:

##### (1) Rehabilitation

The term “rehabilitation”, with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the

<sup>1</sup> So in original. Probably should be capitalized.

<sup>2</sup> So in original. Probably should not be capitalized.

<sup>3</sup> So in original. Probably should be “non-Federal”.