

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Par. (2). Pub. L. 110-246, §2804(a)(1), substituted “base of the” for “base, of the”.

Pars. (3), (4). Pub. L. 110-246, §2804(a)(2), added par. (3), redesignated former par. (3) as (4), and struck out “Resource appraisal is basic to effective soil and water conservation.” before “Since individual”.

1994—Par. (2). Pub. L. 103-354 struck out “created the Soil Conservation Service” after “resource base,” and substituted “, has ensured that the Department of Agriculture” for “Department of Agriculture which” after “United States”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment 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 an Effective Date note under section 8701 of Title 7, Agriculture.

SHORT TITLE

Pub. L. 95-192, §1, Nov. 18, 1977, 91 Stat. 1407, provided: “That this Act [enacting this chapter] may be cited as the ‘Soil and Water Resources Conservation Act of 1977’.”

§ 2002. Definitions

As used in this chapter:

(1) The term “Secretary” means the Secretary of Agriculture.

(2) The term “soil, water, and related resources” means those resources which come within the scope of the programs administered and participated in by the Secretary of Agriculture.

(3) The term “soil and water conservation program” means a set of guidelines for attaining the purposes of this chapter.

(Pub. L. 95-192, §3, Nov. 18, 1977, 91 Stat. 1407; Pub. L. 103-354, title II, §246(f)(2)(B), Oct. 13, 1994, 108 Stat. 3225.)

AMENDMENTS

1994—Par. (2). Pub. L. 103-354 struck out “through the Soil Conservation Service” after “Agriculture”.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§ 2003. Congressional policy and declaration of purpose**(a) Responsiveness to long-term needs**

In order to further the conservation of soil, water, and related resources, it is declared to be the policy of the United States and purpose of this chapter that the conduct of programs administered by the Secretary of Agriculture for the conservation of such resources shall be responsive to the long-term needs of the Nation, as determined under the provisions of this chapter.

(b) Full utilization of cooperative arrangements with State agencies

Recognizing that the arrangements under which the Federal Government cooperates with State soil and water conservation agencies and other appropriate State natural resource agencies such as those concerned with forestry and fish and wildlife and, through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation’s basic resources, including the restoration and maintenance of resources damaged by improper use, it is declared to be the policy of the United States that these arrangements and similar cooperative arrangements should be utilized to the fullest extent practicable to achieve the purpose of this chapter consistent with the roles and responsibilities of the non-Federal agencies, landowners and land users.

(c) Attainment of policies and purposes

The Secretary shall promote the attainment of the policies and purposes expressed in this chapter by—

(1) appraising on a continuing basis the soil, water, and related resources of the Nation;

(2) developing and updating periodically a program for furthering the conservation, protection, and enhancement of the soil, water, and related resources of the Nation consistent with the roles and program responsibilities of other Federal agencies and State and local governments; and

(3) providing to Congress and the public, through reports, the information developed pursuant to paragraphs (1) and (2) of this subsection, and by providing Congress with an annual evaluation report as provided in section 2006 of this title.

(Pub. L. 95-192, §4, Nov. 18, 1977, 91 Stat. 1407.)

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 2002 of this title.

§ 2004. Continuing appraisal of soil, water, and related resources**(a) Data**

In recognition of the importance of and need for obtaining and maintaining information on the current status of soil, water, and related re-

sources, the Secretary is authorized and directed to carry out a continuing appraisal of the soil, water, and related resources of the Nation. The appraisal shall include, but not be limited to—

- (1) data on the quality and quantity of soil, water, and related resources, including fish and wildlife habitats;
- (2) data on the capability and limitations of those resources for meeting current and projected demands on the resource base;
- (3) data on the changes that have occurred in the status and condition of those resources resulting from various past uses, including the impact of farming technologies, techniques, and practices;
- (4) data on current Federal and State laws, policies, programs, rights, regulations, ownerships, and their trends and other considerations relating to the use, development, and conservation of soil, water, and related resources;
- (5) data on the costs and benefits of alternative soil and water conservation practices;
- (6) data on water conservation plans, irrigation techniques regarding their costs, benefits, and impact on soil and water conservation, crop production, and environmental factors; and
- (7) data on conservation plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters under conservation programs administered by the Secretary.

(b) Collection of data

The appraisal shall utilize data collected under this chapter and pertinent data and information collected by the Department of Agriculture and other Federal, State, and local agencies and organizations. The Secretary shall establish an integrated system capable of using combinations of resource data to determine the quality and capabilities for alternative uses of the resource base and to identify areas of local, State, and National concerns and related roles pertaining to soil and water conservation, resource use and development, and environmental improvement.

(c) Public participation

The appraisal shall be made in cooperation with conservation districts, State soil and water conservation agencies, and other appropriate citizen groups, and local and State agencies under such procedures as the Secretary may prescribe to insure public participation.

(d) Evaluation of appraisal

In conducting the appraisal described in subsection (a), the Secretary shall concurrently solicit and evaluate recommendations for improving the appraisal, including the content, scope, process, participation in, and other elements of the appraisal, as determined by the Secretary.

(e) Completion dates

The Secretary shall conduct comprehensive appraisals under this section, to be completed by December 31, 2010, and December 31, 2015. The Secretary may make such additional interim appraisals as the Secretary considers appropriate. (Pub. L. 95-192, § 5, Nov. 18, 1977, 91 Stat. 1408; Pub. L. 99-198, title XII, § 1252(a), Dec. 23, 1985, 99

Stat. 1516; Pub. L. 110-234, title II, § 2804(b), May 22, 2008, 122 Stat. 1086; Pub. L. 110-246, § 4(a), title II, § 2804(b), June 18, 2008, 122 Stat. 1664, 1814.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a)(7). Pub. L. 110-246, § 2804(b)(1), added par. (7).

Subsecs. (d), (e). Pub. L. 110-246, § 2804(b)(2)–(4), added subsec. (d), redesignated former subsec. (d) as (e), and substituted “The Secretary shall conduct comprehensive appraisals under this section, to be completed by December 31, 2010, and December 31, 2015.” for “The Secretary shall conduct four comprehensive appraisals under this section, to be completed by December 31, 1979, December 31, 1986, December 31, 1995, and December 31, 2005, respectively.”

1985—Subsec. (d). Pub. L. 99-198 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “The appraisal shall be completed by December 31, 1979, and at each five-year interval thereafter during the period this chapter is in effect.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment 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 an Effective Date note under section 8701 of Title 7, Agriculture.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 2002 of this title.

§ 2005. Soil and water conservation program

(a) Program development

The Secretary is hereby authorized and directed to develop in cooperation with and participation by the public through conservation districts, State and national organizations and agencies, and other appropriate means, a national soil and water conservation program (hereinafter called the “program”) to be used as a guide in carrying out the activities of the Secretary which assist landowners and land users, at their request, in furthering soil and water conservation on the private and non-Federal lands of the Nation. The program shall set forth direction for future soil and water conservation efforts of the United States Department of Agriculture based on the current soil, water, and related resource appraisal developed in accordance with section 2004 of this title, taking into consideration both the long- and short-term needs of the Nation, the landowners, and the land users, and the roles and responsibilities of Federal, State, and local governments in such conservation efforts. The program shall also include but not be limited to—

- (1) analysis of the Nation’s soil, water, and related resource problems;
- (2) analysis of existing Federal, State, and local government authorities and adjustments needed;