

§ 3774. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter not more than \$75,000,000 for each of fiscal years 2006 through 2011.

(Pub. L. 109-294, § 5, Oct. 3, 2006, 120 Stat. 1354.)

CHAPTER 58—ERODIBLE LAND AND WETLAND CONSERVATION AND RESERVE PROGRAM

SUBCHAPTER I—DEFINITIONS

Sec.
3801. Definitions.

SUBCHAPTER II—HIGHLY ERODIBLE LAND CONSERVATION

3811. Program ineligibility.
3812. Exemptions.
3812a. Development and implementation of conservation plans and conservation systems.
3813. Soil surveys.
3814. Notice and investigation of possible compliance deficiencies.

SUBCHAPTER III—WETLAND CONSERVATION

3821. Program ineligibility.
3822. Delineation of wetlands; exemptions.
3823. Affiliated persons.
3824. Fairness of compliance.

SUBCHAPTER IV—AGRICULTURAL RESOURCES CONSERVATION PROGRAM

PART I—COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM

SUBPART A—GENERAL PROVISIONS

3830. Comprehensive conservation enhancement program.
3830a. Repealed.

SUBPART B—CONSERVATION RESERVE

3831. Conservation reserve.
3831a. Emergency forestry conservation reserve program.
3831b. Pilot program for enrollment of wetland and buffer acreage in conservation reserve.
3832. Duties of owners and operators.
3833. Duties of the Secretary.
3834. Payments.
3835. Contracts.
3835a. Conversion of land subject to contract to other conserving uses.

SUBPART C—WETLANDS RESERVE PROGRAM

3837. Wetlands reserve program.
3837a. Easements and agreements.
3837b. Duties of owners.
3837c. Duties of Secretary.
3837d. Payments.
3837e. Changes in ownership; agreement modification; termination.
3837f. Administration and funding.

PART II—CONSERVATION SECURITY AND FARMLAND PROTECTION

SUBPART A—CONSERVATION SECURITY PROGRAM

3838. Definitions.
3838a. Conservation security program.
3838b. Duties of producers.
3838c. Duties of the Secretary.

SUBPART B—CONSERVATION STEWARDSHIP PROGRAM

3838d. Definitions.
3838e. Conservation stewardship program.
3838f. Stewardship contracts.

Sec.
3838g. Duties of the Secretary.

SUBPART C—FARMLAND PROTECTION PROGRAM

3838h. Definitions.
3838i. Farmland protection program.
3838j. Farm viability program.

SUBPART D—GRASSLAND RESERVE PROGRAM

3838n. Grassland reserve program.
3838o. Duties of owners and operators.
3838p. Duties of Secretary.
3838q. Delegation of duty.

PART III—ENVIRONMENTAL EASEMENT PROGRAM

3839. Environmental easement program.
3839a. Duties of owners; components of plan.
3839b. Duties of Secretary.
3839c. Payments.
3839d. Changes in ownership; modification of easement.

PART IV—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

3839aa. Purposes.
3839aa-1. Definitions.
3839aa-2. Establishment and administration.
3839aa-3. Evaluation of applications.
3839aa-4. Duties of producers.
3839aa-5. Environmental quality incentives program plan.
3839aa-6. Duties of the Secretary.
3839aa-7. Limitation on payments.
3839aa-8. Conservation innovation grants and payments.
3839aa-9. Agricultural water enhancement program.

PART V—OTHER CONSERVATION PROGRAMS

3839bb. Conservation of private grazing land.
3839bb-1. Wildlife habitat incentive program.
3839bb-2. Grassroots source water protection program.
3839bb-3. Great Lakes basin program for soil erosion and sediment control.
3839bb-4. Chesapeake Bay watershed.
3839bb-5. Voluntary public access and habitat incentive program.

SUBCHAPTER V—FUNDING AND ADMINISTRATION

3841. Commodity Credit Corporation.
3842. Delivery of technical assistance.
3843. Cooperative conservation partnership initiative.
3844. Administrative requirements for conservation programs.
3845. Environmental services markets.

SUBCHAPTER V-A—OTHER CONSERVATION PROGRAMS

3851. Agriculture conservation experienced services program.

SUBCHAPTER VI—STATE TECHNICAL COMMITTEES

3861. Establishment of State technical committees.
3862. Responsibilities.

SUBCHAPTER I—DEFINITIONS

§ 3801. Definitions

(a) For purposes of subchapters I through V of this chapter:

(1) The term ‘‘agricultural commodity’’ means—

(A) any agricultural commodity planted and produced in a State by annual tilling of the soil, including tilling by one-trip planters; or

(B) sugarcane planted and produced in a State.

(2) BEGINNING FARMER OR RANCHER.—The term “beginning farmer or rancher” has the meaning given the term in section 1991(a)(8) of title 7.

(3) CONSERVATION PLAN.—The term “conservation plan” means the document that—

(A) applies to highly erodible cropland;

(B) describes the conservation system applicable to the highly erodible cropland and describes the decisions of the person with respect to location, land use, tillage systems, and conservation treatment measures and schedule; and

(C) is approved by the local soil conservation district, in consultation with the local committees established under section 590h(b)(5) of this title and the Secretary, or by the Secretary.

(4) CONSERVATION SYSTEM.—The term “conservation system” means a combination of 1 or more conservation measures or management practices that—

(A) are based on local resource conditions, available conservation technology, and the standards and guidelines contained in the Natural Resources Conservation Service field office technical guides; and

(B) are designed to achieve, in a cost effective and technically practicable manner, a substantial reduction in soil erosion or a substantial improvement in soil conditions on a field or group of fields containing highly erodible cropland when compared to the level of erosion or soil conditions that existed before the application of the conservation measures and management practices.

(5) The term “conservation district” means any district or unit of State or local government formed under State or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such district or unit of government may be referred to as a “conservation district”, “soil conservation district”, “soil and water conservation district”, “resource conservation district”, “natural resource district”, “land conservation committee”, or a similar name.

(6) The term “cost sharing payment” means a payment made by the Secretary to an owner or operator of a farm or ranch containing highly erodible cropland under the provisions of section 3834(b) of this title.

(7)(A) The term “converted wetland” means wetland that has been drained, dredged, filled, leveled, or otherwise manipulated (including any activity that results in impairing or reducing the flow, circulation, or reach of water) for the purpose or to have the effect of making the production of an agricultural commodity possible if—

(i) such production would not have been possible but for such action; and

(ii) before such action—

(I) such land was wetland; and

(II) such land was neither highly erodible land nor highly erodible cropland.

(B) Wetland shall not be considered converted wetland if production of an agricultural commodity on such land during a crop year—

(i) is possible as a result of a natural condition, such as drought; and

(ii) is not assisted by an action of the producer that destroys natural wetland characteristics.

(8) FARM.—The term “farm” means a farm that—

(A) is under the general control of one operator;

(B) has one or more owners;

(C) consists of one or more tracts of land, whether or not contiguous;

(D) is located within a county or region, as determined by the Secretary; and

(E) may contain lands that are incidental to the production of perennial crops, including conserving uses, forestry, and livestock, as determined by the Secretary.

(9) FIELD.—The term “field” means a part of a farm that is separated from the balance of the farm by permanent boundaries such as fences, roads, permanent waterways, or other similar features. At the option of the owner or operator of the farm, croplines may also be used to delineate a field if farming practices make it probable that the croplines are not subject to change. Any highly erodible land on which an agricultural commodity is produced after December 23, 1985, and that is not exempt under section 3812 of this title, shall be considered as part of the field in which the land was included on December 23, 1985, unless the owner and Secretary agree to modification of the boundaries of the field to carry out this chapter.

(10) The term “highly erodible cropland” means highly erodible land that is in cropland use, as determined by the Secretary.

(11)(A) The term “highly erodible land” means land—

(i) that is classified by the Soil Conservation Service as class IV, VI, VII, or VIII land under the land capability classification system in effect on December 23, 1985; or

(ii) that has, or that if used to produce an agricultural commodity, would have an excessive average annual rate of erosion in relation to the soil loss tolerance level, as established by the Secretary, and as determined by the Secretary through application of factors from the universal soil loss equation and the wind erosion equation, including factors for climate, soil erodibility, and field slope.

(B) For purposes of this paragraph, the land capability class or rate of erosion for a field shall be that determined by the Secretary to be the predominant class or rate of erosion under regulations issued by the Secretary.

(C) EQUATIONS.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall publish in the Federal Register the universal soil loss equation and wind erosion equation used by the Department of Agriculture as of that date. The Secretary may not change the equations after that date except following notice and comment in a manner consistent with section 553 of title 5.

(12) The term “hydric soil” means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(13) The term “hydrophytic vegetation” means a plant growing in—

- (A) water; or
- (B) a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

(14) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 450b(e) of title 25.

(15) The term “in-kind commodities” means commodities that are normally produced on land that is the subject of an agreement entered into under subchapter IV of this chapter.

(16) INTEGRATED PEST MANAGEMENT.—The term “integrated pest management” means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

(17) LIVESTOCK.—The term “livestock” means all animals raised on farms, as determined by the Secretary.

(18) NONINDUSTRIAL PRIVATE FOREST LAND.—The term “nonindustrial private forest land” means rural land, as determined by the Secretary, that—

- (A) has existing tree cover or is suitable for growing trees; and
- (B) is owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity that has definitive decisionmaking authority over the land.

(19) PERSON AND LEGAL ENTITY.—For purposes of applying payment limitations under subchapter IV, the terms “person” and “legal entity” have the meanings given those terms in section 1308(a) of title 7.

(20) The term “rental payment” means a payment made by the Secretary to an owner or operator of a farm or ranch containing highly erodible cropland to compensate the owner or operator for retiring such land from crop production and placing such land in the conservation reserve in accordance with subchapter IV of this chapter.

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

(22) The term “shelterbelt” means a vegetative barrier with a linear configuration composed of trees, shrubs, and other approved perennial vegetation.

(23) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term “socially disadvantaged farmer or rancher” has the meaning given the term in section 2279(e)(2) of title 7.

(24) The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(25) TECHNICAL ASSISTANCE.—The term “technical assistance” means technical expertise,

information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses. The term includes the following:

(A) Technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices.

(B) Technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.

(26) The term “vegetative cover” means—

- (A) perennial grasses, legumes, forbs, or shrubs with an expected life span of 5 or more years; or
- (B) trees.

(27) The term “wetland”, except when such term is part of the term “converted wetland”, means land that—

- (A) has a predominance of hydric soils;
- (B) is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (C) under normal circumstances does support a prevalence of such vegetation.

For purposes of this Act, and any other Act, this term shall not include lands in Alaska identified as having high potential for agricultural development which have a predominance of permafrost soils.

(b) The Secretary shall develop—

- (1) criteria for the identification of hydric soils and hydrophytic vegetation; and
- (2) lists of such soils and such vegetation.

(Pub. L. 99-198, title XII, §1201, Dec. 23, 1985, 99 Stat. 1504; Pub. L. 99-349, title I, July 2, 1986, 100 Stat. 714; Pub. L. 101-624, title XIV, §1421(a), Nov. 28, 1990, 104 Stat. 3572; Pub. L. 104-127, title III, §301(a)-(c), Apr. 4, 1996, 110 Stat. 980, 981; Pub. L. 110-234, title II, §2001, May 22, 2008, 122 Stat. 1025; Pub. L. 110-246, §4(a), title II, §2001, June 18, 2008, 122 Stat. 1664, 1753.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(9), was in the original “this title”, meaning title XII of Pub. L. 99-198, which enacted this chapter and former section 2005a of this title and amended sections 590g, 2004, 2005, 2006, and 2009 of this title, sections 4207 and 4209 of Title 7, Agriculture, and provisions set out as a note under section 1981 of Title 7.

The date of enactment of this subparagraph, referred to in subsec. (a)(11)(C), is the date of enactment of Pub. L. 104-127, which was approved Apr. 4, 1996.

This Act, referred to in subsec. (a)(27), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354, known as the Food Security Act of 1985. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of Title 7, Agriculture, and Tables.

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)(2) to (27). Pub. L. 110-246, §2001, added pars. (2), (8), (14), (16) to (19), (23), and (25) and redesignated former pars. (2) to (18) as (3) to (7), (9) to (13), (15), (20) to (22), (24), (26), and (27), respectively.

1996—Subsec. (a)(2) to (6). Pub. L. 104-127, §301(a), added pars. (2) and (3) and redesignated former pars. (2) to (4) as (4) to (6), respectively. Former pars. (5) and (6) redesignated (7) and (8), respectively.

Subsec. (a)(7). Pub. L. 104-127, §301(b), added par. (7) and struck out former par. (7) which read as follows: “The term ‘field’ means such term as is defined in section 718.2(b)(9) of title 7 of the Code of Federal Regulations (as of January 1, 1985), except that any highly erodible land on which an agricultural commodity is produced after December 23, 1985, and that is not exempt under section 3812 of this title shall be considered as part of the field in which such land was included on December 23, 1985, unless the Secretary permits modification of the boundaries of the field to carry out subchapters I through V of this chapter.”

Pub. L. 104-127, §301(a)(1), redesignated par. (5) as (7). Former par. (7) redesignated (9).

Subsec. (a)(8). Pub. L. 104-127, §301(a)(1), redesignated par. (6) as (8). Former par. (8) redesignated (10).

Subsec. (a)(9). Pub. L. 104-127, §301(a)(1), redesignated par. (7) as (9). Former par. (9) redesignated (11).

Subsec. (a)(9)(C). Pub. L. 104-127, §301(c), added subpar. (C).

Subsec. (a)(10) to (18). Pub. L. 104-127, §301(a)(1), redesignated pars. (8) to (16) as (10) to (18), respectively.

1990—Subsec. (a)(16). Pub. L. 101-624 substituted introductory provisions and subpars. (A) to (C) for “The term ‘wetland’, except when such term is part of the term ‘converted wetland’, means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.”

1986—Subsec. (a)(16). Pub. L. 99-349 inserted provision that for purposes of this Act, and any other Act, the term “wetland” shall not include lands in Alaska identified as having high potential for agricultural development which have a predominance of permafrost soils.

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 OF 2006 AMENDMENT

Pub. L. 109-234, title III, §3001, June 15, 2006, 120 Stat. 474, provided that: “This title [amending section 3831 of this title] may be cited as the ‘Emergency Agricultural Disaster Assistance Act of 2006’.”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-7, div. N, title II, §201, Feb. 20, 2003, 117 Stat. 538, provided that: “This title [amending sections 3832 and 3841 of this title] may be cited as the ‘Agricultural Assistance Act of 2003’.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-387, §1(a) [title XI, §1101], Oct. 28, 2000, 114 Stat. 1549, 1549A-75, provided that: “This title [amending sections 3831 and 3832 of this title and enacting provisions set out as notes under section 3831 of this title] may be cited as the ‘Conservation of Farmable Wetland Act of 2000’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-624, title XIV, §1401, Nov. 28, 1990, 104 Stat. 3568, provided that: “This title [enacting sections

1003a, 1010, 3824, 3830, 3835a, 3837 to 3837f, 3838 to 3838f, 3839 to 3839d, 3846, 3847, 3861, and 3862 of this title and sections 136i-1, 2814, 3130, 5401 to 5403, 5501 to 5506 and 5822 of Title 7, Agriculture, amending this section, sections 590p, 1002, 1003, 3459, 3461, 3811, 3812, 3821 to 3823, 3831, 3832, 3834, 3835, 3836, 3843, and 3845 of this title, and sections 136a, 136a-1, 136d, 136w-3, 450i, and 4202 of Title 7, and enacting provisions set out as notes under this section and sections 2101 and 3831 of this title and sections 136a and 4201 of Title 7] may be cited as the ‘Conservation Program Improvements Act’.”

SHORT TITLE

Pub. L. 99-198, title XII, Dec. 23, 1985, 99 Stat. 1504, which is classified principally to this chapter, is popularly known as the “Sodbuster Law”.

REGULATIONS

Pub. L. 110-234, title II, §2904, May 22, 2008, 122 Stat. 1091, and Pub. L. 110-246, §4(a), title II, §2904, June 18, 2008, 122 Stat. 1664, 1819, provided that:

“(a) ISSUANCE.—Except as otherwise provided in this title [see Tables for classification] or an amendment made by this title, not later than 90 days after the date of enactment of this Act [June 18, 2008], the Secretary of Agriculture, in consultation with the Commodity Credit Corporation, shall promulgate such regulations as are necessary to implement this title.

“(b) APPLICABLE AUTHORITY.—The promulgation of regulations under subsection (a) and administration of this title—

“(1) shall be carried out without regard to—

“(A) chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

“(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

“(2) may—

“(A) be promulgated with an opportunity for notice and comment; or

“(B) if determined to be appropriate by the Secretary of Agriculture or the Commodity Credit Corporation, as an interim rule effective on publication with an opportunity for notice and comment.

“(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

Pub. L. 107-171, title II, §2702, May 13, 2002, 116 Stat. 279, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this title [see Tables for classification] or an amendment made by this title, not later than 90 days after the date of enactment of this Act [May 13, 2002], the Secretary of Agriculture, in consultation with the Commodity Credit Corporation, shall promulgate such regulations as are necessary to implement this title.

“(b) APPLICABLE AUTHORITY.—The promulgation of regulations under subsection (a) and administration of this title—

“(1) shall—

“(A) be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

“(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

“(2) may—

“(A) be promulgated with an opportunity for notice and comment; or

“(B) if determined to be appropriate by the Secretary of Agriculture or the Commodity Credit Cor-

poration, as an interim rule effective on publication with an opportunity for notice and comment.

“(C) CONGRESSIONAL REVIEW OF AGENCY RULE-MAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code.”

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CONTINUATION OF PROGRAMS IN FISCAL YEAR 2008

Pub. L. 110-234, title II, §2903(a), May 22, 2008, 122 Stat. 1091, and Pub. L. 110-246, §4(a), title II, §2903(a), June 18, 2008, 122 Stat. 1664, 1819, provided that: “Except as otherwise provided by an amendment made by this title [see Tables for classification], the Secretary of Agriculture shall continue to carry out any program or activity covered by title XII of the Food Security Act (16 U.S.C. 3801 et seq.) until September 30, 2008, using the provisions of law applicable to the program or activity as they existed on the day before the date of the enactment of this Act [June 18, 2008] and using funds made available under such title for fiscal year 2008 for the program or activity.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

REFORM AND ASSESSMENT OF CONSERVATION PROGRAMS

Pub. L. 107-171, title II, §2005, May 13, 2002, 116 Stat. 237, provided that:

“(a) IN GENERAL.—The Secretary of Agriculture shall develop a plan to coordinate land retirement and agricultural working land conservation programs that are administered by the Secretary to achieve the goals of—

- “(1) eliminating redundancy;
- “(2) streamlining program delivery; and
- “(3) improving services provided to agricultural producers (including the reevaluation of the provision of technical assistance).

“(b) REPORT.—Not later than December 31, 2005, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that describes—

- “(1) the plan developed under subsection (a); and
- “(2) the means by which the Secretary intends to achieve the goals described in subsection (a).”

CONSERVATION CORRIDOR DEMONSTRATION PROGRAM

Pub. L. 110-114, title V, §5059, Nov. 8, 2007, 121 Stat. 1215, provided that:

“(a) ASSISTANCE.—The Secretary [of the Army] may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

“(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary [of the Army] shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).”

Pub. L. 107-171, title II, subtitle G, May 13, 2002, 116 Stat. 275, provided that:

“SEC. 2601. DEFINITIONS.

“In this subtitle:

“(1) DELMARVA PENINSULA.—The term ‘Delmarva Peninsula’ means land in the States of Delaware, Maryland, and Virginia located on the east side of the Chesapeake Bay.

“(2) DEMONSTRATION PROGRAM.—The term ‘demonstration program’ means the Conservation Corridor Demonstration Program established under this subtitle.

“(3) CONSERVATION CORRIDOR PLAN; PLAN.—The terms ‘conservation corridor plan’ and ‘plan’ mean a conservation corridor plan required to be submitted and approved as a condition for participation in the demonstration program.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“SEC. 2602. CONSERVATION CORRIDOR DEMONSTRATION PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall carry out a demonstration program, to be known as the ‘Conservation Corridor Demonstration Program’, under which any of the States of Delaware, Maryland, and Virginia, a local government of any 1 of those States with jurisdiction over land on the Delmarva Peninsula, or a combination of those States, may submit a conservation corridor plan to integrate agriculture and forestry conservation programs of the Department of Agriculture with State and local efforts to address farm conservation needs.

“(b) SUBMISSION OF CONSERVATION CORRIDOR PLAN.—

“(1) SUBMISSION AND PROPOSAL.—To be eligible to participate in the demonstration program, a State, local government, or combination of States referred to in subsection (a) shall—

“(A) submit to the Secretary a conservation corridor plan that—

“(i) proposes specific criteria and commitment of resources in the geographic region designated in the plan; and

“(ii) describes how the linkage of Federal, State, and local resources will improve—

“(I) the economic viability of agriculture; and

“(II) the environmental integrity of the watersheds in the Delmarva Peninsula; and

“(B) demonstrate to the Secretary that, in developing the plan, the State, local government, or combination of States has solicited and taken into account the views of local residents.

“(2) DRAFT MEMORANDUM OF AGREEMENT.—If the conservation corridor plan is submitted by more than 1 State, the plan shall provide a draft memorandum of agreement among entities in each submitting State.

“(c) REVIEW OF PLAN.—Not later than 90 days after the date of receipt of a conservation corridor plan, the Secretary—

“(1) shall review the plan; and

“(2) may approve the plan for implementation under this subtitle if the Secretary determines that the plan meets the requirements specified in subsection (d).

“(d) CRITERIA FOR APPROVAL.—The Secretary may approve a conservation corridor plan only if, as determined by the Secretary, the plan provides for each of the following:

“(1) VOLUNTARY ACTIONS.—Actions taken under the plan—

“(A) are voluntary;

“(B) require the consent of willing landowners; and

“(C) provide a mechanism by which the landowner may withdraw such consent without adverse consequences other than the loss of any payments to the landowner conditioned on continued enrollment of the land.

“(2) LAND OF HIGH CONSERVATION VALUE.—Criteria specified in the plan ensure that land enrolled in each conservation program incorporated through the plan are of exceptionally high conservation value, as determined by the Secretary.

“(3) NO EFFECT ON UNENROLLED LAND.—The enrollment of land in a conservation program incorporated through the plan will neither—

“(A) adversely affect any adjacent land not so enrolled; nor

“(B) create any buffer zone on such unenrolled land.

“(4) GREATER BENEFITS.—The conservation programs incorporated through the plan provide benefits greater than the benefits that would likely be achieved through individual application of the conservation programs.

“(5) SUFFICIENT STAFFING.—Staffing, considering both Federal and non-Federal resources, is sufficient to ensure success of the plan.

“SEC. 2603. IMPLEMENTATION OF CONSERVATION CORRIDOR PLAN.

“(a) MEMORANDUM OF AGREEMENT.—On approval of a conservation corridor plan, the Secretary may enter into a memorandum of agreement with the State, local government, or combination of States that submitted the plan to—

“(1) guarantee specific program resources for implementation of the plan;

“(2) establish various compensation rates to the extent that the parties to the agreement consider justified; and

“(3) provide streamlined and integrated paperwork requirements.

“(b) CONTINUED COMPLIANCE WITH PLAN APPROVAL CRITERIA.—The Secretary shall terminate the memorandum of agreement entered into under subsection (a) with respect to an approved conservation corridor plan and cease the provision of resources for implementation of the plan if the Secretary determines that, in the implementation of the plan—

“(1) the State, local government, or combination of States that submitted the plan has deviated from—

“(A) the plan;

“(B) the criteria specified in section 2602(d) on which approval of the plan was conditioned; or

“(C) the cost-sharing requirements of section 2604(a) or any other condition of the plan; or

“(2) the economic viability of agriculture in the geographic region designated in the plan is being hindered.

“(c) PROGRESS REPORT.—At the end of the 3-year period that begins on the date on which funds are first provided with respect to a conservation corridor plan under the demonstration program, the State, local government, or combination of States that submitted the plan shall submit to the Secretary—

“(1) a report on the effectiveness of the activities carried out under the plan; and

“(2) an evaluation of the economic viability of agriculture in the geographic region designated in the plan.

“(d) DURATION.—The demonstration program shall be carried out for not less than 3 nor more than 5 years beginning on the date on which funds are first provided under the demonstration program.

“SEC. 2604. FUNDING REQUIREMENTS.

“(a) COST SHARING.—

“(1) REQUIRED NON-FEDERAL SHARE.—Subject to paragraph (2), as a condition on the approval of a conservation corridor plan, the Secretary shall require the State and local participants to contribute financial resources sufficient to cover at least 50 percent of the total cost of the activities carried out under the plan.

“(2) EXCEPTION.—The Secretary may reduce the cost-sharing requirement in the case of a specific project or activity under the demonstration program on good cause and on demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

“(b) RESERVATION OF FUNDS.—The Secretary may consider directing funds on a priority basis to the demonstration program and to projects in areas identified by the plan.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle for each of fiscal years 2002 through 2007.”

CRANBERRY ACREAGE RESERVE PROGRAM

Pub. L. 107-171, title X, § 10608, May 13, 2002, 116 Stat. 515, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE AREA.—The term ‘eligible area’ means a wetland or buffer strip adjacent to a wetland that, as determined by the Secretary—

“(A)(i) is used, and has a history of being used, for the cultivation of cranberries; or

“(ii) is an integral component of a cranberry-growing operation;

“(B) is located in an environmentally sensitive area.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(b) PROGRAM.—The Secretary shall establish a program to purchase permanent easements in eligible areas from willing sellers.

“(c) PURCHASE PRICE.—The Secretary shall ensure, to the maximum extent practicable, that each easement purchased under this section is for an amount that appropriately reflects the range of values for agricultural and nonagricultural land in the region in which the eligible area subject to the easement is located (including whether that land is located in 1 or more environmentally sensitive areas, as determined by the Secretary).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.”

SUBCHAPTER II—HIGHLY ERODIBLE LAND CONSERVATION

§ 3811. Program ineligibility

(a) In general

Except as provided in section 3812 of this title, and notwithstanding any other provision of law, any person who in any crop year produces an agricultural commodity on a field on which highly erodible land is predominate, or designates land on which highly erodible land is predominate to be set aside, diverted, devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary to reduce production of an agricultural commodity, as determined by the Secretary shall be ineligible for—

(1) as to any commodity produced during that crop year by such person—

(A) contract payments under a production flexibility contract, marketing assistance loans, and any type of price support or payment made available under the Agricultural Market Transition Act [7 U.S.C. 7201 et seq.], the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

(B) a farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(C) a disaster payment; or

(D) a loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Consolidated Farm Service Agency, if the Secretary determines that the proceeds of such loan will be used for a purpose that will contribute to excessive erosion of highly erodible land;

(2) a payment made under section 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b or 714c) during such crop