

PRIOR PROVISIONS

A prior section 3823, Pub. L. 99-198, title XII, §1223, Dec. 23, 1985, 99 Stat. 1508; Pub. L. 101-624, title XIV, §1423, Nov. 28, 1990, 104 Stat. 3576; Pub. L. 102-237, title II, §204(4), Dec. 13, 1991, 105 Stat. 1855, related to consultation with Secretary of the Interior, prior to repeal by Pub. L. 104-127, title III, §§323, 326, Apr. 4, 1996, 110 Stat. 992, effective 90 days after Apr. 4, 1996.

EFFECTIVE DATE

Section effective 90 days after Apr. 4, 1996, see section 326 of Pub. L. 104-127, set out as an Effective Date of 1996 Amendment note under section 3821 of this title.

§ 3824. Fairness of compliance

If the actions of an unrelated person or public entity, outside the control of, and without the prior approval of, the landowner or tenant result in a change in the characteristics of cropland that would cause the land to be determined to be a wetland, the affected land shall not be considered to be wetland for purposes of this subchapter.

(Pub. L. 99-198, title XII, §1224, as added Pub. L. 101-624, title XIV, §1424, Nov. 28, 1990, 104 Stat. 3576.)

SUBCHAPTER IV—AGRICULTURAL
RESOURCES CONSERVATION PROGRAMPART I—COMPREHENSIVE CONSERVATION
ENHANCEMENT PROGRAM

SUBPART A—GENERAL PROVISIONS

§ 3830. Comprehensive conservation enhancement program**(a) Establishment****(1) In general**

During the 1996 through 2002 calendar years, the Secretary shall establish a comprehensive conservation enhancement program (referred to in this section as “CCEP”) to be implemented through contracts and the acquisition of easements to assist owners and operators of farms and ranches to conserve and enhance soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

(2) Means

The Secretary shall carry out the CCEP by—

- (A) providing for the long-term protection of environmentally sensitive land; and
- (B) providing technical and financial assistance to farmers and ranchers to—
 - (i) improve the management and operation of the farms and ranches; and
 - (ii) reconcile productivity and profitability with protection and enhancement of the environment.

(3) Programs

The CCEP shall consist of—

- (A) the conservation reserve program established under subpart B;
- (B) the wetlands reserve program established under subpart C; and
- (C) the environmental quality incentives program established under part IV of this subchapter.

(b) Administration**(1) In general**

In carrying out the CCEP, the Secretary shall enter into contracts with owners and operators and acquire interests in land through easements from owners, as provided in this part and part IV of this subchapter.

(2) Prior enrollments

Acreage enrolled in the conservation reserve or wetlands reserve program prior to April 4, 1996, shall be considered to be placed into the CCEP.

(Pub. L. 99-198, title XII, §1230, as added Pub. L. 101-624, title XIV, §1431(2), Nov. 28, 1990, 104 Stat. 3576; amended Pub. L. 103-66, title I, §1402(a), Aug. 10, 1993, 107 Stat. 332; Pub. L. 104-127, title III, §331, Apr. 4, 1996, 110 Stat. 992; Pub. L. 107-171, title II, §2006(b), May 13, 2002, 116 Stat. 237.)

AMENDMENTS

2002—Pub. L. 107-171, §2006(b)(1), substituted “Comprehensive conservation enhancement program” for “Environmental conservation acreage reserve program” in section catchline.

Subsec. (a)(1). Pub. L. 107-171, §2006(b)(2), (4), substituted “a comprehensive conservation enhancement program” for “an environmental conservation acreage reserve program” and “CCEP” for “ECARP”.

Subsecs. (a)(2), (3), (b). Pub. L. 107-171, §2006(b)(4), substituted “CCEP” for “ECARP” wherever appearing.

Subsec. (c). Pub. L. 107-171, §2006(b)(3), struck out heading and text of subsec. (c). Text read as follows:

“(1) DESIGNATION.—The Secretary may designate watersheds, multistate areas, or regions of special environmental sensitivity as conservation priority areas that are eligible for enhanced assistance under this part and part IV of this subchapter.

“(2) ASSISTANCE.—The Secretary may designate areas as conservation priority areas to assist, to the maximum extent practicable, agricultural producers within the conservation priority areas to comply with nonpoint source pollution requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and other Federal and State environmental laws and to meet other conservation needs.

“(3) PRODUCERS.—The Secretary may provide technical assistance, cost-share payments, and incentive payments to producers in a conservation priority area under this part and part IV of this subchapter based on—

“(A) the significance of the soil, water, wildlife habitat, and related natural resource problems in a watershed, multistate area, or region; and

“(B) the structural practices or land management practices that best address the problems, and that maximize environmental benefits for each dollar expended, as determined by the Secretary.”

1996—Pub. L. 104-127 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) requiring Secretary to establish and implement an Environmental Conservation Acreage Reserve Program during 1991 through 1995 calendar years.

1993—Subsec. (b). Pub. L. 103-66 struck out before period at end “to place in the Environmental Conservation Acreage Reserve Program during the 1986 through 1995 calendar years a total of not less than 40,000,000 nor more than 45,000,000 acres”.

CONSERVATION ASSISTANCE

Pub. L. 106-224, title II, §211, June 20, 2000, 114 Stat. 406, as amended by Pub. L. 107-171, title II, §2503(b)(1)(B), May 13, 2002, 116 Stat. 269, provided that:

“(a) ESTABLISHMENT.—The Secretary shall use \$40,000,000 of funds of the Commodity Credit Corpora-