

L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 2602(a)(1), inserted “for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands” before period at end.

Subsec. (b)(1). Pub. L. 110-246, § 2602(a)(2), substituted “owners of lands referred to in subsection (a)” for “landowners” in introductory provisions.

Subsec. (b)(1)(E). Pub. L. 110-246, § 2602(b), inserted “, including habitat developed on pivot corners and irregular areas” before period at end.

Subsec. (b)(2)(B). Pub. L. 110-246, § 2602(c), substituted “25 percent” for “15 percent”.

Subsecs. (d), (e). Pub. L. 110-246, § 2602(d), added subsecs. (d) and (e).

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.

§ 3839bb-2. Grassroots source water protection program

(a) In general

The Secretary shall establish a national grassroots water protection program to more effectively use onsite technical assistance capabilities of each State rural water association that, as of May 13, 2002, operates a wellhead or groundwater protection program in the State.

(b) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 99-198, title XII, § 1240O, as added Pub. L. 107-171, title II, § 2502(a), May 13, 2002, 116 Stat. 267; amended Pub. L. 110-234, title II, § 2603, May 22, 2008, 122 Stat. 1068; Pub. L. 110-246, § 4(a), title II, § 2603, June 18, 2008, 122 Stat. 1664, 1796.)

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 L. 110-234 were repealed by section 4(a) of Pub.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. (b). Pub. L. 110-246, § 2603, substituted “\$20,000,000 for each of fiscal years 2008 through 2012” for “\$5,000,000 for each of fiscal years 2002 through 2007”.

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.

§ 3839bb-3. Great Lakes basin program for soil erosion and sediment control

(a) Program authorized

The Secretary may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the “program”), including providing assistance to implement the recommendations of the Great Lakes

Regional Collaboration Strategy to Restore and Protect the Great Lakes.

(b) Consultation and cooperation

The Secretary shall carry out the program in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army.

(c) Assistance

In carrying out the program, the Secretary may—

(1) provide project demonstration grants, provide technical assistance, and carry out information and educational programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

(2) establish a priority for projects and activities that—

(A) directly reduce soil erosion or improve sediment control;

(B) reduce soil loss in degraded rural watersheds; or

(C) improve water quality for downstream watersheds.

(d) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out the program \$5,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 99-198, title XII, § 1240P, as added Pub. L. 107-171, title II, § 2502(a), May 13, 2002, 116 Stat. 267; amended Pub. L. 110-234, title II, § 2604, May 22, 2008, 122 Stat. 1068; Pub. L. 110-246, § 4(a), title II, § 2604, June 18, 2008, 122 Stat. 1664, 1796.)

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—Pub. L. 110-246, § 2604, amended section generally. Prior to amendment, section related to: in subsec. (a), authorization to carry out the Great Lakes basin program for soil erosion and sediment control in consultation with the Great Lakes Commission and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army; in subsec. (b), provision of assistance and prioritization of projects; and, in subsec. (c), appropriations for fiscal years 2002 through 2007.

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.

§ 3839bb-4. Chesapeake Bay watershed

(a) Chesapeake Bay watershed defined

In this section, the term “Chesapeake Bay watershed” means all tributaries, backwaters, and side channels, including their watersheds, draining into the Chesapeake Bay.

(b) Establishment and purpose

The Secretary shall assist producers in implementing conservation activities on agricultural

lands in the Chesapeake Bay watershed for the purposes of—

- (1) improving water quality and quantity in the Chesapeake Bay watershed; and
- (2) restoring, enhancing, and preserving soil, air, and related resources in the Chesapeake Bay watershed.

(c) Conservation activities

The Secretary shall deliver the funds made available to carry out this section through applicable programs under this subchapter to assist producers in enhancing land and water resources—

- (1) by controlling erosion and reducing sediment and nutrient levels in ground and surface water; and
- (2) by planning, designing, implementing, and evaluating habitat conservation, restoration, and enhancement measures where there is significant ecological value if the lands are—
 - (A) retained in their current use; or
 - (B) restored to their natural condition.

(d) Agreements

(1) In general

The Secretary shall—

- (A) enter into agreements with producers to carry out the purposes of this section; and
- (B) use the funds made available to carry out this section to cover the costs of the program involved with each agreement.

(2) Special considerations

In entering into agreements under this subsection, the Secretary shall give special consideration to, and begin evaluating, applications with producers in the following river basins:

- (A) The Susquehanna River.
- (B) The Shenandoah River.
- (C) The Potomac River (including North and South Potomac).
- (D) The Patuxent River.

(e) Duties of the Secretary

In carrying out the purposes in this section, the Secretary shall—

- (1) where available, use existing plans, models, and assessments to assist producers in implementing conservation activities; and
- (2) proceed expeditiously with the implementation of any agreement with a producer that is consistent with State strategies for the restoration of the Chesapeake Bay watershed.

(f) Consultation

The Secretary, in consultation with appropriate Federal agencies, shall ensure conservation activities carried out under this section complement Federal and State programs, including programs that address water quality, in the Chesapeake Bay watershed.

(g) Sense of Congress regarding Chesapeake Bay Executive Council

It is the sense of Congress that the Secretary should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 590a(3) of this title.

(h) Funding

(1) Availability

Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable—

- (A) \$23,000,000 for fiscal year 2009;
- (B) \$43,000,000 for fiscal year 2010;
- (C) \$72,000,000 for fiscal year 2011; and
- (D) \$50,000,000 for fiscal year 2012.

(2) Duration of availability

Funds made available under paragraph (1) shall remain available until expended.

(Pub. L. 99-198, title XII, §1240Q, as added Pub. L. 110-234, title II, §2605, May 22, 2008, 122 Stat. 1069, and Pub. L. 110-246, §4(a), title II, §2605, June 18, 2008, 122 Stat. 1664, 1797.)

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.

§ 3839bb-5. Voluntary public access and habitat incentive program

(a) Establishment

The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

(b) Applications

In submitting applications for a grant under the program, a State or tribal government shall describe—

- (1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—
 - (A) hunting and fishing; and
 - (B) to the maximum extent practicable, other recreational purposes; and
- (2) the methods that will be used to achieve those benefits.

(c) Priority

In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that propose—

- (1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;
- (2) to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;
- (3) to strengthen wildlife habitat improvement efforts on land enrolled in a special con-