

§ 6573. Restoration plans**(a) In general**

Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture, in coordination with the Secretary of¹ Interior.

(b) Practices

The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

- (1) species listed as endangered or threatened under section 1533 of this title; and
- (2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

(Pub. L. 108-148, title V, §503, Dec. 3, 2003, 117 Stat. 1912.)

§ 6574. Financial assistance**(a) Permanent easements**

In the case of land enrolled in the healthy forests reserve program using a permanent easement (or an easement described in section 6572(f)(1)(C)(ii)¹ of this title), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

- (1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and
- (2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the easement.

(b) Thirty-year easement

In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

- (1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the easement; and
- (2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

(c) Ten-year agreement

In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

- (1) fifty percent of the actual costs of the approved conservation practices; or
- (2) fifty percent of the average cost of approved practices.

(d) Acceptance of contributions

The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

(Pub. L. 108-148, title V, §504, Dec. 3, 2003, 117 Stat. 1913; Pub. L. 110-234, title VIII, §8205(b), May 22, 2008, 122 Stat. 1295; Pub. L. 110-246, §4(a), title VIII, §8205(b), June 18, 2008, 122 Stat. 1664, 2057.)

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). Pub. L. 110-246, §8205(b), substituted “Permanent easements” for “Easements of not more than 99 years” in heading and “a permanent easement (or an easement described in section 6572(f)(1)(C)(ii) of this title)” for “an easement of not more than 99 years described in section 6572(f)(1)(C) of this title” in introductory provisions.

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.

§ 6575. Technical assistance**(a) In general**

The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements or easements) under the healthy forests reserve program.

(b) Technical service providers

The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 3842 of this title, to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

(Pub. L. 108-148, title V, §505, Dec. 3, 2003, 117 Stat. 1913.)

§ 6576. Protections and measures**(a) Protections**

In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—

- (1) section 1536(b)(4) of this title; or
- (2) section 1539(a)(1) of this title.

(b) Measures

If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 6573 of this title, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 6574 of this title.

(Pub. L. 108-148, title V, §506, Dec. 3, 2003, 117 Stat. 1914.)

¹ So in original. Probably should be “of the”.

¹ So in original. Probably should be “6572(e)(1)(C)(ii)”.

§ 6577. Involvement by other agencies and organizations

In carrying out this subchapter, the Secretary of Agriculture may consult with—

- (1) nonindustrial private forest landowners;
- (2) other Federal agencies;
- (3) State fish and wildlife agencies;
- (4) State forestry agencies;
- (5) State environmental quality agencies;
- (6) other State conservation agencies; and
- (7) nonprofit conservation organizations.

(Pub. L. 108–148, title V, §507, Dec. 3, 2003, 117 Stat. 1914.)

§ 6578. Funding

(a) In general

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available \$9,750,000 for each of fiscal years 2009 through 2012 to carry out this subchapter.

(b) Duration of availability

The funds made available under subsection (a) shall remain available until expended.

(Pub. L. 108–148, title V, §508, Dec. 3, 2003, 117 Stat. 1914; Pub. L. 110–234, title VIII, §8205(c), May 22, 2008, 122 Stat. 1295; Pub. L. 110–246, §4(a), title VIII, §8205(c), June 18, 2008, 122 Stat. 1664, 2057.)

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, §8205(c), amended section generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter—

- “(1) \$25,000,000 for fiscal year 2004; and
- “(2) such sums as are necessary for each of fiscal years 2005 through 2008.”

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.

SUBCHAPTER VI—MISCELLANEOUS

§ 6591. Forest stands inventory and monitoring program to improve detection of and response to environmental threats

(a) In general

The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

- (1) in units of the National Forest System (other than those units created from the public domain); and
- (2) on private forest land, with the consent of the owner of the land.

(b) Issues to be addressed

In carrying out the program, the Secretary shall address issues including—

(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

- (2) loss or degradation of forests;
- (3) degradation of the quality forest stands caused by inadequate forest regeneration practices;
- (4) quantification of carbon uptake rates; and
- (5) management practices that focus on preventing further forest degradation.

(c) Early warning system

In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

- (1) isolate and treat a threat before the threat gets out of control; and
- (2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2004 through 2008.

(Pub. L. 108–148, title VI, §601, Dec. 3, 2003, 117 Stat. 1914.)

CHAPTER 85—MARINE TURTLE CONSERVATION

Sec.

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|-------|--|
| 6601. | Findings and purposes. |
| 6602. | Definitions. |
| 6603. | Marine turtle conservation assistance. |
| 6604. | Marine Turtle Conservation Fund. |
| 6605. | Advisory group. |
| 6606. | Authorization of appropriations. |
| 6607. | Report to Congress. |

§ 6601. Findings and purposes

(a) Findings

The Congress finds that—

(1) marine turtle populations have declined to the point that the long-term survival of the loggerhead, green, hawksbill, Kemp’s ridley, olive ridley, and leatherback turtle in the wild is in serious jeopardy;

(2) 6 of the 7 recognized species of marine turtles are listed as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all 7 species have been included in Appendix I of CITES;

(3) because marine turtles are long-lived, late-maturing, and highly migratory, marine turtles are particularly vulnerable to the impacts of human exploitation and habitat loss;

(4) illegal international trade seriously threatens wild populations of some marine turtle species, particularly the hawksbill turtle;

(5) the challenges facing marine turtles are immense, and the resources available have not been sufficient to cope with the continued loss of nesting habitats caused by human activities and the consequent diminution of marine turtle populations;