

conservation plan which shall specify, on a region-by-region basis or other basis considered appropriate by the Secretary, the types of wetlands and interests in wetlands which should be given priority with respect to Federal and State acquisition.

(b) Consultation

The Secretary shall establish the plan required by subsection (a) of this section after consultation with—

- (1) the Administrator of the Environmental Protection Agency;
- (2) the Secretary of Commerce;
- (3) the Secretary of Agriculture; and
- (4) (the chief executive officer of) each State.

(c) Factors to be considered

The Secretary, in establishing the plan required by subsection (a) of this section, shall consider—

- (1) the estimated proportion remaining of the respective types of wetlands which existed at the time of European settlement;
- (2) the estimated current rate of loss and the threat of future losses of the respective types of wetlands; and
- (3) the contributions of the respective types of wetlands to—
 - (A) wildlife, including endangered and threatened species, migratory birds, and resident species;
 - (B) commercial and sport fisheries;
 - (C) surface and ground water quality and quantity, and flood control;
 - (D) outdoor recreation; and
 - (E) other areas or concerns the Secretary considers appropriate.

(Pub. L. 99-645, title III, §301, Nov. 10, 1986, 100 Stat. 3586.)

§ 3922. Federal acquisition

The Secretary is authorized to purchase wetlands or interests in wetlands, which are not acquired under the authority of the Migratory Bird Conservation Act of 1929 (16 U.S.C. 715-715s), consistent with the wetlands priority conservation plan established under section 3921 of this title.

(Pub. L. 99-645, title III, §304, Nov. 10, 1986, 100 Stat. 3588.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act of 1929, referred to in text, is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

§ 3923. Restriction on use of eminent domain in acquisitions

The powers of condemnation or eminent domain shall not be used in the acquisition of wetlands under any provision of this chapter where such wetlands have been constructed for the purpose of farming or ranching, or result from conservation activities associated with farming or ranching.

(Pub. L. 99-645, title III, §305, Nov. 10, 1986, 100 Stat. 3588.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 99-645, Nov. 10, 1986, 100 Stat. 3582, known as the Emergency Wetlands Resources Act of 1986. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

SUBCHAPTER IV—WETLANDS INVENTORY AND TREND ANALYSIS

§ 3931. National wetlands inventory project

(a) In general

The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall continue the National Wetlands Inventory Project and shall—

- (1) produce, by September 30, 1988, National Wetlands Inventory maps for the areas that have been identified by the Service as top priorities for mapping, including—

- (A) the entire coastal zone of the United States;
- (B) floodplains of major rivers; and
- (C) the Prairie Pothole region;

- (2) produce, by September 30, 1998, National Wetlands Inventory maps for those portions of the contiguous United States for which final maps have not been produced earlier;

- (3) produce, by September 30, 2000, National Wetlands Inventory maps for Alaska and other noncontiguous portions of the United States;

- (4) produce, by September 30, 1990, and at ten-year intervals thereafter, reports to update and improve the information contained in the report dated September 1982 and entitled “Status and Trends of Wetlands and Deep-water Habitat in the Coterminous United States, 1950’s to 1970’s”;

- (5) produce, by April 30, 1990, a report that provides—

- (A) an assessment of the estimated total number of acres of wetland habitat as of the 1780’s in the areas that now comprise each State; and

- (B) an assessment of the estimated total number of acres of wetlands in each State as of the 1980’s, and the percentage of loss of wetlands in each State between the 1780’s and the 1980’s;

- (6) produce, by September 30, 2004, a digital wetlands data base for the United States based on the final wetlands maps produced under this section; and

- (7) archive and make available for dissemination wetlands data and maps digitized under this section as such data and maps become available.

(b) Notice

The Secretary shall notify the appropriate State and local units of government at such time as he proposes to begin map preparation under subsection (a) of this section in an area. Such notice shall include, but is not limited to, the identification of the area to be mapped, the proposed schedule for completion, and the identification of a source for further information.

(Pub. L. 99-645, title IV, §401, Nov. 10, 1986, 100 Stat. 3588; Pub. L. 101-233, §18, Dec. 13, 1989, 103