

(i) not more than 40 percent shall be used for cost-share agreements described in paragraph (1)(A); and

(ii) not more than 60 percent shall be used for easements described in subparagraphs (B) and (C) of paragraph (1).

**(B) Repooling**

The Secretary may use any funds allocated under clause (i) or (ii) of subparagraph (A) that are not obligated by April 1 of the fiscal year for which the funds are made available to carry out a different method of enrollment during that fiscal year.

**(3) Acreage owned by Indian tribes**

**(A) Definition of acreage owned by Indian tribes**

In this paragraph, the term “acreage owned by Indian tribes” includes—

(i) land that is held in trust by the United States for Indian tribes or individual Indians;

(ii) land, the title to which is held by Indian tribes or individual Indians subject to Federal restrictions against alienation or encumbrance;

(iii) land that is subject to rights of use, occupancy, and benefit of certain Indian tribes;

(iv) land that is held in fee title by an Indian tribe; or

(v) land that is owned by a native corporation formed under section 477 of title 25 or section 1607 of title 43; or

(vi) a combination of 1 or more types of land described in clauses (i) through (v).

**(B) Enrollment of acreage**

In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

(i) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

(ii) a 10-year cost-share agreement; or

(iii) any combination of the options described in clauses (i) and (ii).

**(f) Enrollment priority**

**(1) Species**

The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 1533 of this title; and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 1533 of this title; but

(ii) are candidates for such listing, State-listed species, or special concern species.

**(2) Cost-effectiveness**

The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

(Pub. L. 108-148, title V, §502, Dec. 3, 2003, 117 Stat. 1911; Pub. L. 110-234, title VIII, §8205(a), May 22, 2008, 122 Stat. 1294; Pub. L. 110-246, §4(a), title VIII, §8205(a), June 18, 2008, 122 Stat. 1664, 2056; Pub. L. 113-79, title VIII, §8203(a), Feb. 7, 2014, 128 Stat. 914.)

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

2014—Subsec. (e)(3). Pub. L. 113-79, §8203(a)(2), (3), added subpar. (A), designated existing provisions as subpar. (B) and inserted heading, and redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (B) and realigned margins.

Subsec. (e)(3)(C). Pub. L. 113-79, §8203(a)(1), substituted “clauses (i) and (ii)” for “subparagraphs (A) and (B)”.

2008—Subsecs. (e) to (g). Pub. L. 110-246, §8205(a), added subsec. (e), redesignated subsec. (g) as (f), and struck out former subsecs. (e) and (f) which related to maximum number of enrolled acres and methods of enrollment.

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.

**§ 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 of<sup>1</sup> 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)<sup>1</sup> 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

<sup>1</sup> So in original. Probably should be “of the”.

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