

(Pub. L. 99-198, title XII, §1265D, as added Pub. L. 113-79, title II, §2301(a), Feb. 7, 2014, 128 Stat. 742.)

REFERENCES IN TEXT

The Agricultural Act of 2014, referred to in subsec. (d)(2), is Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 649. Subtitle H (§§ 2701-2713) of title II of the Act amended sections 3801, 3811, and 3842 of this title, repealed sections 3830, 3831a, 3837 to 3837f, 3838h to 3838j, 3838n to 3838q, 3839 to 3839d, 3839aa-9, 3839bb-1, 3839bb-3, and 3839bb-4 of this title, and enacted provisions set out as notes under sections 3801, 3831a, 3837, 3838h, 3838n, 3839aa-9, 3839bb-1, 3839bb-4, and 3843 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9001 of Title 7, Agriculture, and Tables.

SUBCHAPTER VIII—REGIONAL
CONSERVATION PARTNERSHIP PROGRAM

§ 3871. Establishment and purposes

(a) Establishment

The Secretary shall establish a regional conservation partnership program to implement eligible activities on eligible land through—

- (1) partnership agreements with eligible partners; and
- (2) contracts with producers.

(b) Purposes

The purposes of the program are as follows:

(1) To use covered programs to accomplish purposes and functions similar to those of the following programs, as in effect on the day before February 7, 2014:

- (A) The agricultural water enhancement program established under section 3839aa-9¹ of this title.
- (B) The Chesapeake Bay watershed program established under section 3839bb-4¹ of this title.
- (C) The cooperative conservation partnership initiative established under section 3843¹ of this title.
- (D) The Great Lakes basin program for soil erosion and sediment control established under section 3839bb-3¹ of this title.

(2) To further the conservation, restoration, and sustainable use of soil, water, wildlife, and related natural resources on eligible land on a regional or watershed scale.

(3) To encourage eligible partners to cooperate with producers in—

- (A) meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production on eligible land; and
- (B) implementing projects that will result in the installation and maintenance of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multi-state basis.

(Pub. L. 99-198, title XII, §1271, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 744.)

REFERENCES IN TEXT

Sections 3839aa-9, 3839bb-3, 3839bb-4, and 3843 of this title, referred to in subsec. (b)(1), were repealed by Pub.

¹ See References in Text note below.

L. 113-79, title II, §§2706(a), 2708, 2709(a), 2710(a), Feb. 7, 2014, 128 Stat. 768, 770.

§ 3871a. Definitions

In this subchapter:

(1) Covered program

The term “covered program” means the following:

- (A) The agricultural conservation easement program.
- (B) The environmental quality incentives program.
- (C) The conservation stewardship program.
- (D) The healthy forests reserve program established under section 6571 of this title.

(2) Eligible activity

The term “eligible activity” means a conservation activity for any of the following:

- (A) Water quality restoration or enhancement projects, including nutrient management and sediment reduction.
- (B) Water quantity conservation, restoration, or enhancement projects relating to surface water and groundwater resources, including—
 - (i) the conversion of irrigated cropland to the production of less water-intensive agricultural commodities or dryland farming; or
 - (ii) irrigation system improvement and irrigation efficiency enhancement.
- (C) Drought mitigation.
- (D) Flood prevention.
- (E) Water retention.
- (F) Air quality improvement.
- (G) Habitat conservation, restoration, and enhancement.
- (H) Erosion control and sediment reduction.
- (I) Forest restoration.
- (J) Other related activities that the Secretary determines will help achieve conservation benefits.

(3) Eligible land

(A) In general

The term “eligible land” means—

- (i) land on which agricultural commodities, livestock, or forest-related products are produced; and
- (ii) lands associated with the lands described in clause (i).

(B) Inclusions

The term “eligible land” includes—

- (i) cropland;
- (ii) grassland;
- (iii) rangeland;
- (iv) pastureland;
- (v) nonindustrial private forest land; and
- (vi) other land incidental to agricultural production (including wetlands and riparian buffers) on which significant natural resource issues could be addressed under the program.

(4) Eligible partner

The term “eligible partner” means any of the following:

- (A) An agricultural or silvicultural producer association or other group of producers.

- (B) A State or unit of local government.
- (C) An Indian tribe.
- (D) A farmer cooperative.
- (E) A water district, irrigation district, rural water district or association, or other organization with specific water delivery authority to producers on agricultural land.
- (F) A municipal water or wastewater treatment entity.
- (G) An institution of higher education.
- (H) An organization or entity with an established history of working cooperatively with producers on agricultural land, as determined by the Secretary, to address—
 - (i) local conservation priorities related to agricultural production, wildlife habitat development, or nonindustrial private forest land management; or
 - (ii) critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource issues.

(5) Partnership agreement

The term “partnership agreement” means an agreement entered into under section 3871b of this title between the Secretary and an eligible partner.

(6) Program

The term “program” means the regional conservation partnership program established by this subchapter.

(Pub. L. 99-198, title XII, §1271A, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 745.)

§ 3871b. Regional conservation partnerships

(a) Partnership agreements authorized

The Secretary may enter into a partnership agreement with an eligible partner to implement a project that will assist producers with installing and maintaining an eligible activity on eligible land.

(b) Length

A partnership agreement shall be for a period not to exceed 5 years, except that the Secretary may extend the agreement one time for up to 12 months when an extension is necessary to meet the objectives of the program.

(c) Duties of partners

(1) In general

Under a partnership agreement, the eligible partner shall—

- (A) define the scope of a project, including—
 - (i) the eligible activities to be implemented;
 - (ii) the potential agricultural or non-industrial private forest land operations affected;
 - (iii) the local, State, multistate, or other geographic area covered; and
 - (iv) the planning, outreach, implementation, and assessment to be conducted;

(B) conduct outreach and education to producers for potential participation in the project;

(C) at the request of a producer, act on behalf of a producer participating in the

project in applying for assistance under section 3871c of this title;

(D) leverage financial or technical assistance provided by the Secretary with additional funds to help achieve the project objectives;

(E) conduct an assessment of the project’s effects; and

(F) at the conclusion of the project, report to the Secretary on its results and funds leveraged.

(2) Contribution

An eligible partner shall provide a significant portion of the overall costs of the scope of the project that is the subject of the agreement entered into under subsection (a), as determined by the Secretary.

(d) Applications

(1) Competitive process

The Secretary shall conduct a competitive process to select applications for partnership agreements and may assess and rank applications with similar conservation purposes as a group.

(2) Criteria used

In carrying out the process described in paragraph (1), the Secretary shall make public the criteria used in evaluating applications.

(3) Content

An application to the Secretary shall include a description of—

(A) the scope of the project, as described in subsection (c)(1)(A);

(B) the plan for monitoring, evaluating, and reporting on progress made toward achieving the project’s objectives;

(C) the program resources requested for the project, including the covered programs to be used and estimated funding needed from the Secretary;

(D) each eligible partner collaborating to achieve project objectives, including their roles, responsibilities, capabilities, and financial contribution; and

(E) any other elements the Secretary considers necessary to adequately evaluate and competitively select applications for funding under the program.

(4) Priority to certain applications

The Secretary may give a higher priority to applications that—

(A) assist producers in meeting or avoiding the need for a natural resource regulatory requirement;

(B) have a high percentage of producers in the area to be covered by the agreement;

(C) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or national efforts;

(D) deliver high percentages of applied conservation to address conservation priorities or regional, State, or national conservation initiatives;

(E) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or