

governments for the management and conservation of wetlands; and

(2) intensifying efforts to protect the wetlands of the Nation through acquisition in fee, easements or other interests and methods by local, State, and Federal governments and the private sector.

(Pub. L. 99-645, § 2, Nov. 10, 1986, 100 Stat. 3582.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (b), 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 below and Tables.

#### SHORT TITLE

Pub. L. 99-645, § 1, Nov. 10, 1986, 100 Stat. 3582, provided that: “This Act [enacting this chapter, amending sections 460l-8, 460l-9, 707, 715k-3, 715k-5, and 718b of this title, and enacting a provision set out in the table under section 668dd of this title] may be cited as the ‘Emergency Wetlands Resources Act of 1986.’”

### § 3902. Definitions

For the purpose of this chapter:

(1) The term “Committees” means the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate.

(2) The term “designated unit” means a unit of the National Wildlife Refuge System designated by the Secretary under section 3911(a)(2)<sup>1</sup> of this title.

(3) The term “hydric soil” means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(4) The term “hydrophytic vegetation” means a plant growing in—

(A) water; or

(B) a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

(5) The term “wetland” means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(Pub. L. 99-645, § 3, Nov. 10, 1986, 100 Stat. 3583; Pub. L. 103-437, § 6(d)(41), Nov. 2, 1994, 108 Stat. 4585.)

#### REFERENCES IN TEXT

Section 3911 of this title, referred to in par. (2), was repealed by Pub. L. 108-447, div. J, title VIII, § 813(c), Dec. 8, 2004, 118 Stat. 3390.

#### AMENDMENTS

1994—Par. (1). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

<sup>1</sup> See References in Text note below.

#### ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### SUBCHAPTER II—REVENUES FOR REFUGE OPERATIONS AND THE MIGRATORY BIRD CONSERVATION FUND

### § 3911. Repealed. Pub. L. 108-447, div. J, title VIII, § 813(c), Dec. 8, 2004, 118 Stat. 3390

Section, Pub. L. 99-645, title II, § 201, Nov. 10, 1986, 100 Stat. 3584, related to the sale of admission permits at certain units of the National Wildlife Refuge System.

### § 3912. Transfers to Migratory Bird Conservation Fund

Notwithstanding any other provision of law, an amount equal to the amount of all import duties collected on arms and ammunition, as specified in chapter 93 of the Harmonized Tariff Schedule of the United States, shall, beginning with the next fiscal year quarter after November 10, 1986, be paid quarterly into the migratory bird conservation fund<sup>1</sup> established under section 718d of this title.

(Pub. L. 99-645, title II, § 203, Nov. 10, 1986, 100 Stat. 3586; Pub. L. 100-418, title I, § 1214(f), Aug. 23, 1988, 102 Stat. 1156.)

#### REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in text, is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties.

#### AMENDMENTS

1988—Pub. L. 100-418 substituted “chapter 93 of the Harmonized Tariff Schedule of the United States” for “subpart A of part 5 of schedule 7 of the Tariff Schedules of the United States”.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of Title 19, Customs Duties.

#### SUBCHAPTER III—STATE AND FEDERAL WETLANDS ACQUISITION

### § 3921. National wetlands priority conservation plan

#### (a) In general

The Secretary shall establish, and periodically review and revise, a national wetlands priority

<sup>1</sup> So in original. Probably should be capitalized.

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