

- (II) brush shearing to set back early successional plant communities; and
- (III) forest management that promotes a particular seral stage.

**(C) Exclusions**

The term “habitat enhancement” does not include regularly scheduled and routine maintenance and management activities, such as annual mowing or spraying of unwanted vegetation.

**(3) Habitat establishment**

The term “habitat establishment” means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site, including construction of—

- (A) shallow water impoundments on non-hydric soils; and
- (B) side channel spawning and rearing habitat.

**(4) Habitat improvement**

The term “habitat improvement” means restoring, enhancing, or establishing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

**(5) Habitat restoration**

**(A) In general**

The term “habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat.

**(B) Inclusions**

The term “habitat restoration” includes—

- (i) an activity conducted to return a project site, to the maximum extent practicable, to the ecological condition that existed prior to the loss or degradation, including—

- (I) removing tile drains or plugging drainage ditches in former or degraded wetland;
- (II) returning meanders and sustainable profiles to straightened streams;
- (III) burning grass communities heavily invaded by exotic species to reestablish native grass and plant communities; and
- (IV) planting plant communities that are native to the project site;

(ii) if restoration of a project site to its original ecological condition is not practicable, an activity that repairs 1 or more of the original habitat functions and that involve the use of native vegetation, including—

- (I) the installation of a water control structure in a swale on land isolated from overbank flooding by a major levee to simulate natural hydrological processes; and
- (II) the placement of streambank or instream habitat diversity structures in

streams that cannot be restored to original conditions or profile; and

- (iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.

**(6) Private land**

**(A) In general**

The term “private land” means any land that is not owned by the Federal Government or a State.

**(B) Inclusions**

The term “private land” includes tribal land and Hawaiian homeland.

**(7) Project**

The term “project” means a project carried out under the Partners for Fish and Wildlife Program established by section 3773 of this title.

**(8) Secretary**

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 109-294, §3, Oct. 3, 2006, 120 Stat. 1352.)

**§ 3773. Partners for Fish and Wildlife Program**

The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide—

- (1) technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment; and
- (2) technical assistance to other public and private entities regarding fish and wildlife habitat restoration on private land.

(Pub. L. 109-294, §4, Oct. 3, 2006, 120 Stat. 1354.)

**§ 3774. Authorization of appropriations**

There is authorized to be appropriated to carry out this chapter not more than \$75,000,000 for each of fiscal years 2006 through 2011.

(Pub. L. 109-294, §5, Oct. 3, 2006, 120 Stat. 1354.)

**CHAPTER 58—ERODIBLE LAND AND WETLAND CONSERVATION AND RESERVE PROGRAM**

**SUBCHAPTER I—DEFINITIONS**

Sec.  
3801. Definitions.

**SUBCHAPTER II—HIGHLY ERODIBLE LAND CONSERVATION**

3811. Program ineligibility.  
3812. Exemptions.  
3812a. Development and implementation of conservation plans and conservation systems.  
3813. Soil surveys.  
3814. Notice and investigation of possible compliance deficiencies.

**SUBCHAPTER III—WETLAND CONSERVATION**

3821. Program ineligibility.  
3822. Delineation of wetlands; exemptions.  
3823. Affiliated persons.  
3824. Fairness of compliance.