

the establishment of conservation measures and practices and protect wetland functions and values, including necessary maintenance activities, as set forth in a wetland reserve easement plan developed for the eligible land under subsection (f).

(2) Payments

The Secretary shall—

(A) in the case of a permanent wetland reserve easement, pay an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs, as determined by the Secretary; and

(B) in the case of a 30-year contract or 30-year wetland reserve easement, pay an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs, as determined by the Secretary.

(d) Technical assistance

(1) In general

The Secretary shall assist owners in complying with the terms and conditions of a wetland reserve easement.

(2) Contracts or agreements

The Secretary may enter into 1 or more contracts with private entities or agreements with a State, nongovernmental organization, or Indian tribe to carry out necessary restoration, enhancement, or maintenance of a wetland reserve easement if the Secretary determines that the contract or agreement will advance the purposes of the program.

(e) Wetland reserve enhancement option

The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetland reserve enhancement option that the Secretary determines would advance the purposes of program.

(f) Administration

(1) Wetland reserve easement plan

The Secretary shall develop a wetland reserve easement plan for any eligible land subject to a wetland reserve easement, which shall include practices and activities necessary to restore, protect, enhance, and maintain the enrolled land.

(2) Delegation of easement administration

(A) In general

The Secretary may delegate any of the management, monitoring, and enforcement responsibilities of the Secretary under this section to other Federal or State agencies that have the appropriate authority, expertise, and resources necessary to carry out such delegated responsibilities, or to conservation organizations if the Secretary determines the organization has similar expertise and resources.

(B) Limitation

The Secretary shall not delegate any of the monitoring or enforcement responsibilities under this section to conservation organizations.

(3) Payments

(A) Timing of payments

The Secretary shall provide payment for obligations incurred by the Secretary under this section—

(i) with respect to any easement restoration obligation under subsection (c), as soon as possible after the obligation is incurred; and

(ii) with respect to any annual easement payment obligation incurred by the Secretary, as soon as possible after October 1 of each calendar year.

(B) Payments to others

If an owner who is entitled to a payment under this section dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person or entity who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

(g) Application

The relevant provisions of this section shall also apply to a 30-year contract.

(Pub. L. 99-198, title XII, §1265C, as added Pub. L. 113-79, title II, §2301(a), Feb. 7, 2014, 128 Stat. 737.)

§ 3865d. Administration

(a) Ineligible land

The Secretary may not use program funds for the purposes of acquiring an easement on—

(1) lands owned by an agency of the United States, other than land held in trust for Indian tribes;

(2) lands owned in fee title by a State, including an agency or a subdivision of a State, or a unit of local government;

(3) land subject to an easement or deed restriction which, as determined by the Secretary, provides similar protection as would be provided by enrollment in the program; or

(4) lands where the purposes of the program would be undermined due to on-site or off-site conditions, such as risk of hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land uses.

(b) Priority

In evaluating applications under the program, the Secretary may give priority to land that is currently enrolled in the conservation reserve program in a contract that is set to expire within 1 year and—

(1) in the case of an agricultural land easement, is grassland that would benefit from protection under a long-term easement; and

(2) in the case of a wetland reserve easement, is a wetland or related area with the highest wetland functions and value and is likely to return to production after the land leaves the conservation reserve program.

(c) Subordination, exchange, modification, and termination**(1) In general**

The Secretary may subordinate, exchange, modify, or terminate any interest in land, or portion of such interest, administered by the Secretary, either directly or on behalf of the Commodity Credit Corporation under the program if the Secretary determines that—

(A) it is in the Federal Government's interest to subordinate, exchange, modify, or terminate the interest in land;

(B) the subordination, exchange, modification, or termination action—

(i) will address a compelling public need for which there is no practicable alternative; or

(ii) such action will further the practical administration of the program; and

(C) the subordination, exchange, modification, or termination action will result in comparable conservation value and equivalent or greater economic value to the United States.

(2) Consultation

The Secretary shall work with the owner, and eligible entity if applicable, to address any subordination, exchange, modification, or termination of the interest, or portion of such interest, in land.

(3) Notice

At least 90 days before taking any termination action described in paragraph (1), the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) Land enrolled in other programs**(1) Conservation reserve program**

The Secretary may terminate or modify a contract entered into under section 3831(a) of this title if eligible land that is subject to such contract is transferred into the program.

(2) Other

In accordance with the provisions of subtitle H of title II of the Agricultural Act of 2014, land enrolled in the wetlands reserve program, grassland reserve program, or farmland protection program on the day before February 7, 2014, shall be considered enrolled in the program.

(e) Compliance with certain requirements

The Secretary may not provide assistance under this subchapter to an eligible entity or owner of eligible land unless the eligible entity or owner agrees, during the crop year for which the assistance is provided—

(1) to comply with applicable conservation requirements under subchapter II; and

(2) to comply with applicable wetland protection requirements under subchapter III.

(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. Sub-

title 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. 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:

¹ See References in Text note below.