

- (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.

Sec.
 SUBCHAPTER IV—AGRICULTURAL RESOURCES
 CONSERVATION PROGRAM

PART I—COMPREHENSIVE CONSERVATION ENHANCEMENT
 PROGRAM

SUBPART A—GENERAL PROVISIONS

3830, 3830a. Repealed.

SUBPART B—CONSERVATION RESERVE

3831. Conservation reserve.
 3831a. Repealed.
 3831b. Farmable wetland program.
 3832. Duties of owners and operators.
 3833. Duties of the Secretary.
 3834. Payments.
 3835. Contracts.
 3835a. Repealed.

SUBPART C—WETLANDS RESERVE PROGRAM

3837 to 3837f. Repealed.

PART II—CONSERVATION SECURITY AND FARMLAND
 PROTECTION

SUBPART A—CONSERVATION SECURITY PROGRAM

3838. Definitions.
 3838a. Conservation security program.
 3838b. Duties of producers.
 3838c. Duties of the Secretary.

SUBPART B—CONSERVATION STEWARDSHIP PROGRAM

3838d. Definitions.
 3838e. Conservation stewardship program.
 3838f. Stewardship contracts.
 3838g. Duties of the Secretary.

SUBPART C—FARMLAND PROTECTION PROGRAM

3838h to 3838j. Repealed.

SUBPART D—GRASSLAND RESERVE PROGRAM

3838n to 3838q. Repealed.

PART III—ENVIRONMENTAL EASEMENT PROGRAM

3839 to 3839d. Repealed.

PART IV—ENVIRONMENTAL QUALITY INCENTIVES
 PROGRAM

3839aa. Purposes.
 3839aa-1. Definitions.
 3839aa-2. Establishment and administration.
 3839aa-3. Evaluation of applications.
 3839aa-4. Duties of producers.
 3839aa-5. Environmental quality incentives program
 plan.
 3839aa-6. Duties of the Secretary.
 3839aa-7. Limitation on payments.
 3839aa-8. Conservation innovation grants and pay-
 ments.
 3839aa-9. Repealed.

PART V—OTHER CONSERVATION PROGRAMS

3839bb. Conservation of private grazing land.
 3839bb-1. Repealed.
 3839bb-2. Grassroots source water protection program.
 3839bb-3, 3839bb-4. Repealed.
 3839bb-5. Voluntary public access and habitat incentive
 program.
 3839bb-6. Terminal lakes assistance.

SUBCHAPTER V—FUNDING AND ADMINISTRATION

3841. Commodity Credit Corporation.
 3842. Delivery of technical assistance.
 3843. Repealed.
 3844. Administrative requirements for conserva-
 tion programs.
 3845. Environmental services markets.

Sec.
 3846. Regulations.

SUBCHAPTER V—A—OTHER CONSERVATION
 PROGRAMS

3851. Agriculture conservation experienced services
 program.
 3851a. Forest Service participation in ACES Pro-
 gram.

SUBCHAPTER VI—STATE TECHNICAL
 COMMITTEES

3861. Establishment of State technical committees.
 3862. Responsibilities.

SUBCHAPTER VII—AGRICULTURAL
 CONSERVATION EASEMENT PROGRAM

3865. Establishment and purposes.
 3865a. Definitions.
 3865b. Agricultural land easements.
 3865c. Wetland reserve easements.
 3865d. Administration.

SUBCHAPTER VIII—REGIONAL CONSERVATION
 PARTNERSHIP PROGRAM

3871. Establishment and purposes.
 3871a. Definitions.
 3871b. Regional conservation partnerships.
 3871c. Assistance to producers.
 3871d. Funding.
 3871e. Administration.
 3871f. Critical conservation areas.

SUBCHAPTER I—DEFINITIONS

§ 3801. Definitions

- (a) For purposes of subchapters I through VIII:
 (1) The term “agricultural commodity”
 means—
 (A) any agricultural commodity planted
 and produced in a State by annual tilling of
 the soil, including tilling by one-trip plant-
 ers; or
 (B) sugarcane planted and produced in a
 State.
- (2) BEGINNING FARMER OR RANCHER.—The
 term “beginning farmer or rancher” has the
 meaning given the term in section 1991(a)(8) of
 title 7.
- (3) CONSERVATION PLAN.—The term “con-
 servation plan” means the document that—
 (A) applies to highly erodible cropland;
 (B) describes the conservation system ap-
 plicable to the highly erodible cropland and
 describes the decisions of the person with re-
 spect to location, land use, tillage systems,
 and conservation treatment measures and
 schedule; and
 (C) is approved by the local soil conserva-
 tion district, in consultation with the local
 committees established under section
 590h(b)(5) of this title and the Secretary, or
 by the Secretary.
- (4) CONSERVATION SYSTEM.—The term “con-
 servation system” means a combination of 1
 or more conservation measures or manage-
 ment practices that—
 (A) are based on local resource conditions,
 available conservation technology, and the
 standards and guidelines contained in the
 Natural Resources Conservation Service
 field office technical guides; and
 (B) are designed to achieve, in a cost effec-
 tive and technically practicable manner, a