

ized to be appropriated such sums as are necessary to carry out this subchapter for each of fiscal years 2004 through 2008.’’

SUBCHAPTER V—HEALTHY FORESTS
RESERVE PROGRAM

§ 6571. Establishment of healthy forests reserve program

(a) Establishment

The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

- (1) to promote the recovery of threatened and endangered species;
- (2) to improve biodiversity;
- (3) to conserve forest land that provides habitat for species described in section 6572(b) of this title; and
- (4) to enhance carbon sequestration.

(b) Coordination

The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

(Pub. L. 108-148, title V, § 501, Dec. 3, 2003, 117 Stat. 1911; Pub. L. 115-334, title VIII, § 8407(a)(1), Dec. 20, 2018, 132 Stat. 4845.)

AMENDMENTS

2018—Subsec. (a)(3), (4). Pub. L. 115-334 added par. (3) and redesignated former par. (3) as (4).

§ 6572. Eligibility and enrollment of lands in program

(a) In general

The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) Eligibility

To be eligible for enrollment in the healthy forests reserve program, land shall be private forest land, or private land being restored to forest land, the enrollment of which will maintain, restore, enhance, or otherwise measurably—

- (1) increase the likelihood of recovery of a species that is listed as endangered or threatened under section 1533 of this title; or
- (2) improve the well-being of a species that—
 - (A) is—
 - (i) not listed as endangered or threatened under such section; and
 - (ii) a candidate for such listing, a State-listed species, or a special concern species; or
 - (B) is deemed a species of greatest conservation need by a State wildlife action plan.

(c) Other considerations

In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

- (1) improve biological diversity;
- (2) conserve forest land that provides habitat for species described in subsection (b); and

- (3) increase carbon sequestration.

(d) Enrollment by willing owners

The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

(e) Methods of enrollment

(1) Authorized methods

Land may be enrolled in the healthy forests reserve program in accordance with—

- (A) a 10-year cost-share agreement;
- (B) a 30-year easement; or
- (C)(i) a permanent easement; or
- (ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

(2) Acreage owned by Indian tribes

(A) Definition of acreage owned by Indian tribes

In this paragraph, the term “acreage owned by Indian tribes” includes—

- (i) land that is held in trust by the United States for Indian tribes or individual Indians;
- (ii) land, the title to which is held by Indian tribes or individual Indians subject to Federal restrictions against alienation or encumbrance;
- (iii) land that is subject to rights of use, occupancy, and benefit of certain Indian tribes;
- (iv) land that is held in fee title by an Indian tribe; or
- (v) land that is owned by a native corporation formed under section 5124 of title 25 or section 1607 of title 43; or
- (vi) a combination of 1 or more types of land described in clauses (i) through (v).

(B) Enrollment of acreage

In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

- (i) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);
- (ii) a 10-year cost-share agreement;
- (iii) a permanent easement; or
- (iv) any combination of the options described in clauses (i) through (iii).

(f) Enrollment priority

(1) Species

The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

- (A) primarily, species listed as endangered or threatened under section 1533 of this title; and
- (B) secondarily, species that—
 - (i) are not listed as endangered or threatened under section 1533 of this title; but
 - (ii)(I) are candidates for such listing, State-listed species, or special concern species; or
 - (II) are deemed a species of greatest conservation need under a State wildlife action plan.

(2) Cost-effectiveness

The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

(Pub. L. 108–148, title V, §502, Dec. 3, 2003, 117 Stat. 1911; Pub. L. 110–234, title VIII, §8205(a), May 22, 2008, 122 Stat. 1294; Pub. L. 110–246, §4(a), title VIII, §8205(a), June 18, 2008, 122 Stat. 1664, 2056; Pub. L. 113–79, title VIII, §8203(a), Feb. 7, 2014, 128 Stat. 914; Pub. L. 115–334, title VIII, §8407(a)(2)–(6), Dec. 20, 2018, 132 Stat. 4845, 4846.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–334, §8407(a)(2), amended subsec. (b) generally. Prior to amendment, text read as follows: “To be eligible for enrollment in the healthy forests reserve program, land shall be—

“(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 1533 of this title; and

“(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

“(A) are not listed as endangered or threatened under section 1533 of this title; but

“(B) are candidates for such listing, State-listed species, or special concern species.”

Subsec. (c)(2), (3). Pub. L. 115–334, §8407(a)(3), added par. (2) and redesignated former par. (2) as (3).

Subsec. (e)(2). Pub. L. 115–334, §8407(a)(4), redesignated par. (3) as (2) and struck out former par. (2) which related to limitation on use of cost-share agreements and easements.

Subsec. (e)(2)(B)(ii) to (iv). Pub. L. 115–334, §8407(a)(5), added cls. (ii) to (iv) and struck out former cls. (ii) and (iii) which read as follows:

“(ii) a 10-year cost-share agreement; or

“(iii) any combination of the options described in clauses (i) and (ii).”

Subsec. (e)(3). Pub. L. 115–334, §8407(a)(4), redesignated par. (3) as (2).

Subsec. (f)(1)(B)(ii). Pub. L. 115–334, §8407(a)(6), added cl. (ii) and struck out former cl. (ii) which read as follows: “are candidates for such listing, State-listed species, or special concern species.”

2014—Subsec. (e)(3). Pub. L. 113–79, §8203(a)(2), (3), added subpar. (A), designated existing provisions as subpar. (B) and inserted heading, and redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (B) and realigned margins.

Subsec. (e)(3)(C). Pub. L. 113–79, §8203(a)(1), substituted “clauses (i) and (ii)” for “subparagraphs (A) and (B)”.

2008—Subsecs. (e) to (g). Pub. L. 110–246, §8205(a), added subsec. (e), redesignated subsec. (g) as (f), and struck out former subsecs. (e) and (f) which related to maximum number of enrolled acres and methods of enrollment.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

§ 6573. Restoration plans**(a) In general**

Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture, in coordination with the Secretary of the Interior.

(b) Practices

The restoration plan shall require such restoration practices and measures as are necessary to restore and enhance habitat for species described in section 6572(b) of this title, including the following:

- (1) Land management practices.
- (2) Vegetative treatments.
- (3) Structural practices and measures.
- (4) Practices to increase carbon sequestration.
- (5) Practices to improve biological diversity.
- (6) Other practices and measures.

(Pub. L. 108–148, title V, §503, Dec. 3, 2003, 117 Stat. 1912; Pub. L. 115–334, title VIII, §8407(a)(7), (9), Dec. 20, 2018, 132 Stat. 4846.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–334, §8407(a)(9), substituted “Secretary of the Interior” for “Secretary of Interior”.

Subsec. (b). Pub. L. 115–334, §8407(a)(7), amended subsec. (b) generally. Prior to amendment, text read as follows: “The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

“(1) species listed as endangered or threatened under section 1533 of this title; and

“(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.”

§ 6574. Financial assistance**(a) Permanent easements**

In the case of land enrolled in the healthy forests reserve program using a permanent easement (or an easement described in section 6572(f)(1)(C)(ii)¹ of this title), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the easement.

(b) Thirty-year easement

In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the easement; and

¹ So in original. Probably should be “6572(e)(1)(C)(ii)”.