

amended Pub. L. 107-171, title II, §2505, May 13, 2002, 116 Stat. 274; Pub. L. 110-234, title II, §2803, May 22, 2008, 122 Stat. 1086; Pub. L. 110-246, §4(a), title II, §2803, June 18, 2008, 122 Stat. 1664, 1814; Pub. L. 113-79, title II, §2505, Feb. 7, 2014, 128 Stat. 752; Pub. L. 115-334, title II, §2401(b), Dec. 20, 2018, 132 Stat. 4570.)

REFERENCES IN TEXT

Section 13 of the Act of December 22, 1944, referred to in subsec. (a)(2)(B), is section 13 of act Dec. 22, 1944, ch. 665, 58 Stat. 905, as amended, which is not classified to the Code.

The Department of Agriculture Appropriation Act, 1954, referred to in subsec. (a)(2)(C), is act July 28, 1953, ch. 251, 67 Stat. 205. Provisions under the heading "FLOOD PREVENTION" are not classified to the Code. For complete classification of this Act to the Code, see Tables.

The Agriculture and Food Act of 1981, referred to in subsec. (a)(2)(D), is Pub. L. 97-98, Dec. 22, 1981, 95 Stat. 1213, as amended. Subtitle H of title XV of the Act is classified generally to subchapter V (§3451 et seq.) of chapter 54 of this title. For complete classification of this Act to the Code, see Tables.

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 L. 110-234 were repealed by section 4(a) of Pub.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. (h)(2)(E). Pub. L. 115-334 substituted "2023" for "2018".

2014—Subsec. (h)(1)(H). Pub. L. 113-79, §2505(a), added subpar. (H).

Subsec. (h)(2)(E). Pub. L. 113-79, §2505(b), substituted "2018" for "2012".

2008—Subsec. (h)(1)(G). Pub. L. 110-246, §2803(a), added subpar. (G).

Subsec. (h)(2)(E). Pub. L. 110-246, §2803(b), substituted "each of fiscal years 2008 through 2012" for "fiscal year 2007".

2002—Subsec. (h). Pub. L. 107-171 added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows: "There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

- "(1) \$5,000,000 for fiscal year 2001;
- "(2) \$10,000,000 for fiscal year 2002;
- "(3) \$15,000,000 for fiscal year 2003;
- "(4) \$25,000,000 for fiscal year 2004; and
- "(5) \$35,000,000 for fiscal year 2005."

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.

§ 1012a. Funding

In addition to any other funds made available by this chapter, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this chapter \$50,000,000 for fiscal year 2019 and each fiscal year thereafter. (Aug. 4, 1954, ch. 656, §15, as added Pub. L. 115-334, title II, §2401(c), Dec. 20, 2018, 132 Stat. 4570.)

CHAPTER 18A—COOPERATIVE WATERSHED MANAGEMENT PROGRAM

Sec. 1015. Definitions.

Sec. 1015a. Program.
1015b. Effect of chapter.

§ 1015. Definitions

In this chapter:

(1) Affected stakeholder

The term "affected stakeholder" means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) Disadvantaged community

The term "disadvantaged community" means a community (including a city, town, county, or reasonably isolated and divisible segment of a larger municipality) with an annual median household income that is less than 100 percent of the statewide annual median household income for the State in which the community is located, according to the most recent decennial census.

(3) Grant recipient

The term "grant recipient" means a watershed group that the Secretary has selected to receive a grant under section 1015a(c)(2) of this title.

(4) Program

The term "program" means the Cooperative Watershed Management Program established by the Secretary under section 1015a(a) of this title.

(5) Secretary

The term "Secretary" means the Secretary of the Interior.

(6) Watershed group

The term "watershed group" means a self-sustaining, cooperative watershed-wide group that—

- (A) is comprised of representatives of the affected stakeholders of the relevant watershed;
- (B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—
 - (i) representatives of—
 - (I) hydroelectric production;
 - (II) livestock grazing;
 - (III) timber production;
 - (IV) land development;
 - (V) recreation or tourism;
 - (VI) irrigated agricultural production;
 - (VII) the environment;
 - (VIII) potable water purveyors and industrial water users;
 - (IX) private property owners within the watershed; and
 - (X) disadvantaged communities;
 - (ii) any Federal agency that has authority with respect to the watershed;
 - (iii) any State agency that has authority with respect to the watershed;
 - (iv) any local agency that has authority with respect to the watershed; and
 - (v) any Indian tribe that—
 - (I) owns land within the watershed; or
 - (II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

- (i) water conservation;
- (ii) improved water quality;
- (iii) ecological resiliency; and
- (iv) the reduction of water conflicts; and

(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(7) Watershed management project

The term “watershed management project” means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream, including benefits to fisheries, wildlife, or habitat;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

(Pub. L. 111–11, title VI, §6001, Mar. 30, 2009, 123 Stat. 1165; Pub. L. 116–260, div. FF, title XI, §1107(a), Dec. 27, 2020, 134 Stat. 3243.)

AMENDMENTS

2020—Pars. (2) to (6). Pub. L. 116–260, §1107(a)(1), (2), added par. (2) and redesignated former pars. (2) to (5) as (3) to (6), respectively. Former par. (6) redesignated (7).

Par. (6)(B)(i)(X). Pub. L. 116–260, §1107(a)(3), added subcl. (X).

Par. (7). Pub. L. 116–260, §1107(a)(1), redesignated par. (6) as (7).

Par. (7)(C). Pub. L. 116–260, §1107(a)(4), inserted “, including benefits to fisheries, wildlife, or habitat” after “river or stream”.

§ 1015a. Program

(a) Establishment

Not later than 180 days after March 30, 2009, the Secretary shall establish a program, to be known as the “Cooperative Watershed Management Program”, under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or

(B) to enlarge a watershed group; and

(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) Establishment of application process; criteria

Not later than September 30, 2021, the Secretary shall update—

(1) the application process for the program; and

(2) in consultation with the States, the prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) Distribution of grant funds

(1) In general

In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and
(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or

(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) Funding procedure

(A) First phase

(i) In general

The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than \$100,000 each year for a period of not more than 3 years.

(ii) Mandatory use of funds

A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) Annual determination of eligibility

(I) Determination

For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) Effect of determination

If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) Advancement conditions

A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and

(II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) Exception

A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) Second phase

(i) In general

A watershed group may apply for and receive second-phase grants of \$1,000,000 each