

(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 L. 110-234 were repealed by section 4(a) of Pub.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 dur-

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