

§ 1009. Joint investigations and surveys by Secretary of the Army and Secretary of Agriculture; reports to Congress

The Secretary of the Army and the Secretary of Agriculture, when authorized to do so by resolutions adopted by the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, are authorized and directed to make joint investigations and surveys in accordance with their existing authorities of watershed areas in the United States, Puerto Rico, and the Virgin Islands, and to prepare joint reports on such investigations and surveys setting forth their recommendations for the installation of the works of improvement needed for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes. Such joint reports shall be submitted to the Congress through the President for adoption and authorization by the Congress of the recommended works of improvement: *Provided*, That the project authorization procedure established by Public Law 566, Eighty-third Congress, as amended [16 U.S.C. 1001 et seq.], shall not be affected.

(Pub. L. 87-639, §1, Sept. 5, 1962, 76 Stat. 438; Pub. L. 103-437, §6(w), Nov. 2, 1994, 108 Stat. 4587.)

Editorial Notes

REFERENCES IN TEXT

Public Law 566, referred to in text, is act Aug. 4, 1954, ch. 656, 68 Stat. 666, known as the Watershed Protection and Flood Prevention Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Watershed Protection and Flood Prevention Act which comprises this chapter.

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House” for “Committee on Public Works of the Senate or the Committee on Public Works of the House”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 87-639, §2, Sept. 5, 1962, 76 Stat. 438, provided that: “There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act [this section], such sums to remain available until expended.”

§ 1010. Data

The Secretary shall collect and maintain data on a national and State by State basis concerning—

(1) expenditures for the individual flood control and conservation measures for which assistance is provided under this chapter; and

(2) the expected flood control or environmental (including soil erosion) benefits that will result from the implementation of such measures.

(Aug. 4, 1954, ch. 656, §13, as added Pub. L. 101-624, title XIV, §1463, Nov. 28, 1990, 104 Stat. 3615.)

§ 1011. Watershed restoration and enhancement agreements

(a) In general

For fiscal year 1997 and each fiscal year thereafter, appropriations made for the Bureau of Land Management including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs may be used by the Secretary of the Interior for the purpose of entering into cooperative agreements with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened that benefit these resources on public lands within the watershed.

(b) Direct and indirect watershed agreements

The Secretary of the Interior may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner;

or

(2) indirectly through an agreement with a state, local, or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) Terms and conditions

In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other biotic resources on public land in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal government,¹ the landowner, and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to pro-

¹ So in original. Probably should be capitalized.

tect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

(Pub. L. 104-208, div. A, title I, §101(d) [title I, §124], Sept. 30, 1996, 110 Stat. 3009-181, 3009-204; Pub. L. 105-277, div. A, §101(e) [title I, §136], Oct. 21, 1998, 112 Stat. 2681-231, 2681-266; Pub. L. 108-7, div. F, title I, §135, Feb. 20, 2003, 117 Stat. 243.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1997, and also as part of the Omnibus Consolidated Appropriations Act, 1997, and not as part of the Watershed Protection and Flood Prevention Act which comprises this chapter.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-7 inserted “including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs” after “appropriations made for the Bureau of Land Management”.

1998—Subsec. (a). Pub. L. 105-277 substituted “with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened” for “with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both”.

Statutory Notes and Related Subsidiaries

FEDERAL AND STATE COOPERATIVE WATERSHED RESTORATION AND PROTECTION

Pub. L. 106-291, title III, §331, Oct. 11, 2000, 114 Stat. 996, as amended by Pub. L. 108-447, div. E, title III, §336, Dec. 8, 2004, 118 Stat. 3102; Pub. L. 111-88, div. A, title IV, §422, Oct. 30, 2009, 123 Stat. 2961; Pub. L. 113-76, div. G, title IV, §417, Jan. 17, 2014, 128 Stat. 341, authorized the Secretary of Agriculture and the Secretary of the Interior, through Sept. 30, 2018, to use cooperative agreements and contracts to permit State forestry programs to perform watershed restoration and protection services on National Forest System and Bureau of Land Management lands when similar and complementary services were being performed on adjacent State or private lands.

WATERSHED AGREEMENTS

Pub. L. 105-277, div. A, §101(e) [title III, §323], Oct. 21, 1998, 112 Stat. 2681-231, 2681-290, as amended, formerly set out as a note under this section, was transferred and is classified to section 1011a of this title.

§ 1011a. Watershed agreements

(a) Watershed restoration and enhancement agreements

For fiscal year 2006 and each fiscal year thereafter, to the extent funds are otherwise available, appropriations for the Forest Service may be used by the Secretary of Agriculture for the purpose of entering into cooperative agreements with willing Federal, tribal, State and local governments, private and nonprofit entities and landowners for the protection, restoration and enhancement of fish and wildlife habitat, and

other resources on public or private land, the reduction of risk from natural disaster where public safety is threatened, or a combination thereof or both that benefit these resources within the watershed.

(b) Direct and indirect watershed agreements

The Secretary of Agriculture may enter into a watershed restoration and enhancement agreement—

- (1) directly with a willing private landowner; or
- (2) indirectly through an agreement with a State, local or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) Terms and conditions

In order for the Secretary to enter into a watershed restoration and enhancement agreement—

- (1) the agreement shall—

- (A) include such terms and conditions mutually agreed to by the Secretary and the landowner, state¹ or local government, or private or nonprofit entity;

- (B) improve the viability of and otherwise benefit the fish, wildlife, and other resources on national forests lands within the watershed;

- (C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

- (D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner(s), and other entities, as mutually agreed on by the affected interests; and

- (E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

- (2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on non-Federal lands, provided such terms and conditions are mutually agreed to by the Secretary and other landowners, State and local governments or both.

(d) Applicable law

Chapter 63 of title 31 shall not apply to—

- (1) a watershed restoration and enhancement agreement entered into under this section; or

- (2) an agreement entered into under section 565a-1 of this title.

(e) Reporting requirements

Not later than December 31, 1999, the Secretary shall submit a report to the Committees on Appropriations of the House and Senate, which contains—

- (1) A² concise description of each project, including the project purpose, location on federal¹ and non-federal³ land, key activities, and all parties to the agreement.

- (2) the funding and/or other contributions provided by each party for each project agreement.

¹ So in original. Probably should be capitalized.

² So in original. Probably should not be capitalized.

³ So in original. Probably should be “non-Federal”.