

Editorial Notes**AMENDMENTS**

2018—Subsec. (a). Pub. L. 115–334, §2706(1), which directed amendment of subsec. (a) by substituting “3871b(e)” for “3871b(d)” wherever appearing, was executed by substituting “3871(e)(2)” for “3871b(d)(2)” and “3871(e)(1)” for “3871b(d)(1)”.

Subsec. (b). Pub. L. 115–334, §2706(2)(A), substituted “December 31, 2019” for “December 31, 2014” in introductory provisions.

Subsec. (b)(1) to (3). Pub. L. 115–334, §2706(2)(B), (C), added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively. Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 115–334, §2706(2)(B), (D), redesignated par. (3) as (4) and struck out “and” at end. Former par. (4) redesignated (5).

Subsec. (b)(5). Pub. L. 115–334, §2706(2)(B), (E), redesignated par. (4) as (5) and substituted “3871c(d)” for “3871c(b)(2)” in introductory provisions and “; and” for period at end.

Subsec. (b)(6). Pub. L. 115–334, §2706(2)(F), added par. (6).

Subsecs. (c) to (e). Pub. L. 115–334, §2706(3), added subsecs. (c) to (e).

§ 3871f. Critical conservation areas**(a) Definitions**

In this section:

(1) Critical conservation area

The term “critical conservation area” means a geographical area that contains a critical conservation condition that can be addressed through the program.

(2) Priority resource concern

The term “priority resource concern” means a natural resource concern located in a critical conservation area that can be addressed through—

(A) water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

(B) water quantity improvement, including improvement relating to—

- (i) drought;
- (ii) groundwater, surface water, aquifer, or other water sources; or
- (iii) water retention and flood prevention;

(C) wildlife habitat restoration to address species of concern at a Federal, State, or local level; and

(D) other natural resource improvements, as determined by the Secretary, within the critical conservation area.

(b) Applications

In administering funds under section 3871d(d)(2) of this title, the Secretary shall select applications for partnership agreements and program contracts within critical conservation areas designated under this section that address 1 or more priority resource concerns for which the critical conservation area is designated.

(c) Critical conservation area designations**(1) In general**

The Secretary shall identify 1 or more priority resource concerns that apply to each

critical conservation area designated under this section after February 7, 2014, including the conservation goals and outcomes sufficient to demonstrate that progress is being made to address the priority resource concern.

(2) Priority

In designating critical conservation areas under this section, the Secretary shall give priority to geographical areas based on the degree to which the geographical area—

(A) includes multiple States with significant agricultural production;

(B) is covered by an existing regional, State, binational, or multistate agreement or plan that has established objectives, goals, and work plans and is adopted by a Federal, State, or regional authority;

(C) contains 1 or more priority resource concerns; or

(D) contains producers that need assistance in meeting or avoiding the need for a natural resource regulatory requirement that could have a negative impact on the economic scope of the agricultural operations within the area.

(3) Review and withdrawal

The Secretary may—

(A) review designations of critical conservation areas under this section not more frequently than once every 5 years; and

(B) withdraw designation of a critical conservation area only if the Secretary determines that the area is no longer a critical conservation area.

(4) Limitation

The Secretary may not designate more than 8 geographical areas as critical conservation areas under this section.

(d) Outreach to eligible partners and producers

The Secretary shall provide outreach and education to eligible partners and producers in critical conservation areas designated under this section to encourage the development of projects to address each priority resource concern identified by the Secretary for that critical conservation area.

(e) Administration**(1) In general**

Except as provided in paragraph (2), the Secretary shall administer any partnership agreement or program contract under this section in a manner that is consistent with the terms of the program.

(2) Relationship to existing activity

The Secretary shall, to the maximum extent practicable, ensure that eligible activities carried out in critical conservation areas designated under this section complement and are consistent with other Federal and State programs and water quality and quantity strategies.

(Pub. L. 99–198, title XII, §1271F, as added Pub. L. 113–79, title II, §2401, Feb. 7, 2014, 128 Stat. 750; amended Pub. L. 115–334, title II, §2707, Dec. 20, 2018, 132 Stat. 4600.)

Editorial Notes**AMENDMENTS**

2018—Subsec. (a). Pub. L. 115-334, § 2707(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 115-334, § 2707(1), (3), redesignated subsec. (a) as (b), in heading, substituted “Applications” for “In general”, and, in text, substituted “3871d(d)(2)” for “3871d(d)(3)” and “program contracts” for “producer contracts” and inserted “that address 1 or more priority resource concerns for which the critical conservation area is designated” before period at end. Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 115-334, § 2707(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (e).

Subsec. (c)(1). Pub. L. 115-334, § 2707(4)(B), added par. (1). Former par. (1) redesignated (2).

Subsec. (c)(2). Pub. L. 115-334, § 2707(4)(A), (C), redesignated par. (1) as (2), added subpar. (C), redesignated subpar. (E) as (D), and struck out former subpars. (C) and (D) which read as follows:

“(C) would benefit from water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

“(D) would benefit from water quantity improvement, including improvement relating to—

“(i) groundwater, surface water, aquifer, or other water sources; or

“(ii) a need to promote water retention and flood prevention; or”.

Subsec. (c)(3). Pub. L. 115-334, § 2707(4)(D), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “Critical conservation area designations under this section shall expire after 5 years, subject to redesignation, except that the Secretary may withdraw designation from an area if the Secretary finds the area no longer meets the conditions described in paragraph (1).”

Pub. L. 115-334, § 2707(4)(A), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (c)(4). Pub. L. 115-334, § 2707(4)(A), redesignated par. (3) as (4).

Subsec. (d). Pub. L. 115-334, § 2707(5), added subsec. (d).

Subsec. (e). Pub. L. 115-334, § 2707(1), redesignated subsec. (c) as (e).

Subsec. (e)(1). Pub. L. 115-334, § 2707(6)(A), substituted “program contract” for “producer contract”.

Subsec. (e)(3). Pub. L. 115-334, § 2707(6)(B), struck out par. (3). Text read as follows: “For a critical conservation area described in subsection (b)(1)(D), the Secretary may use authorities under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), other than section 14 of such Act (16 U.S.C. 1012), to carry out projects for the purposes of this section.”

CHAPTER 59—WETLANDS RESOURCES**SUBCHAPTER I—GENERAL PROVISIONS**

Sec.	
3901.	Findings and statement of purpose.
3902.	Definitions.

SUBCHAPTER II—REVENUES FOR REFUGE OPERATIONS AND THE MIGRATORY BIRD CONSERVATION FUND

3911.	Repealed.
3912.	Transfers to Migratory Bird Conservation Fund.

SUBCHAPTER III—STATE AND FEDERAL WETLANDS ACQUISITION

3921.	National wetlands priority conservation plan.
3922.	Federal acquisition.
3923.	Restriction on use of eminent domain in acquisitions.

SUBCHAPTER IV—WETLANDS INVENTORY AND TREND ANALYSIS

3931.	National wetlands inventory project.
3932.	Reports to Congress.

SUBCHAPTER I—GENERAL PROVISIONS**§ 3901. Findings and statement of purpose****(a) Findings**

The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens of the Nation;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering and ultimate survival of a major portion of the migratory and resident fish and wildlife of the Nation; including migratory birds, endangered species, commercially and recreationally important finfish, shellfish and other aquatic organisms, and contain many unique species and communities of wild plants;

(3) the migratory bird treaty obligations of the Nation with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere require Federal protection of wetlands that are used by migratory birds for breeding, wintering or migration and needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(4) wetlands, and the fish, wildlife, and plants dependent on wetlands, provide significant recreational and commercial benefits, including—

(A) contributions to a commercial marine harvest valued at over \$10,000,000,000 annually;

(B) support for a major portion of the Nation’s multimillion dollar annual fur and hide harvest; and

(C) fishing, hunting, birdwatching, nature observation and other wetland-related recreational activities that generate billions of dollars annually;

(5) wetlands enhance the water quality and water supply of the Nation by serving as groundwater recharge areas, nutrient traps, and chemical sinks;

(6) wetlands provide a natural means of flood and erosion control by retaining water during periods of high runoff, thereby protecting against loss of life and property;

(7) wetlands constitute only a small percentage of the land area of the United States, are estimated to have been reduced by half in the contiguous States since the founding of our Nation, and continue to disappear by hundreds of thousands of acres each year;

(8) certain activities of the Federal Government have inappropriately altered or assisted in the alteration of wetlands, thereby unnecessarily stimulating and accelerating the loss of these valuable resources and the environmental and economic benefits that they provide; and

(9) the existing Federal, State, and private cooperation in wetlands conservation should be strengthened in order to minimize further