timber stand improvement, practices necessary to improve seedling growth and survival, and growth enhancement practices occur where needed to enhance and sustain the long-term productivity of timber and nontimber forest resources to help meet future public demand for all forest resources and provide the environmental benefits that result; and

(4) protecting their forests from damage caused by fire, insects, disease, and damaging weather.

(e) Eligibility

All nonindustrial private forest lands that are not in management under Federal, State, or private sector financial and technical assistance programs existing on November 28, 1990, are eligible for assistance under the Program. Nonindustrial private forest lands that are managed under such existing programs are eligible for assistance under the Program if forest management activities are expanded and enhanced and the landowner agrees to meet the requirements of this chapter.

(f) Duties of owners

To enter forest land into the Program, landowners shall—

(1) prepare and submit to the State forester or equivalent State official a forest stewardship plan that meets the requirements of this section and that—

(A) is prepared by a professional resource manager;

(B) identifies and describes actions to be taken by the landowner to protect soil, water, range, aesthetic quality, recreation, timber, water, and fish and wildlife resources on such land in a manner that is compatible with the objectives of the landowner; and

(C) is approved by the State forester, or equivalent State official; and

(2) agree that all activities conducted on such land shall be consistent with the stewardship plan.

(g) Stewardship recognition

The Secretary, in consultation with State foresters or equivalent State officials, is encouraged to develop an appropriate recognition program for landowners who practice stewardship management on their lands, with an appropriate, special recognition symbol and title.

(h) Authorization of appropriations

There are hereby authorized to be appropriated $25,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter, to carry out this section.

(Pub. L. 95–313, § 5, as added Pub. L. 101–624, title XII, § 1215(2), Nov. 28, 1990, 104 Stat. 3525; amended Pub. L. 102–237, title X, § 1018(a)(1), Dec. 13, 1991, 105 Stat. 1905.)

PRIOR PROVISIONS

A prior section 5 of Pub. L. 95–313 was renumbered section 8 and is classified to section 2104 of this title.

AMENDMENTS

1991—Subsec. (d). Pub. L. 102–237 substituted ''State foresters'' for ''State Foresters'' wherever appearing in introductory provisions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2103b, 2106b, 3835a of this title.

§ 2103b. Stewardship Incentive Program

(a) Establishment

The Secretary, in consultation with State foresters or equivalent State officials, shall establish a program within the Forest Service, to be known as the ''Stewardship Incentive Program'' (hereafter referred to in this section as the ''Program''), to meet the objectives and goals of section 2103a of this title.

(b) Eligibility

(1) In general

Owners of nonindustrial private forest lands shall be eligible for cost-sharing assistance under the Program if such owners—

(A) have developed an approved forest stewardship plan pursuant to section 2103a(f) of this title;

(B) agree to implement approved activities pursuant to paragraph (4) in accordance with the plan for a period of not less than 10 years unless the State forester or equivalent State official approves a modification to such plan; and

(C) own not more than 1,000 acres of nonindustrial private forest land, except that the Secretary may approve the provision of cost-sharing assistance to landowners that own more than 1,000 acres of such land if the Secretary determines that significant public benefits will accrue from such approval.

(2) Limitation

(A) Secretary

The Secretary shall not approve of the provision of cost-sharing assistance to any landowner owning in excess of 5,000 acres of nonindustrial private forest land.

(B) Landowner

A landowner shall not receive cost-share assistance for management on acreage under this section if such landowner receives cost-share assistance on the same acreage under section 2103 of this title.

(3) State priorities

The Secretary in consultation with the State forester, or equivalent State official, other State natural resource management agencies, and the State Coordinating Committee established pursuant to section 2113(b) of this title, may develop State priorities for cost sharing under this section that will promote unique forest management objectives in that State.

(4) Approved activities

(A) Development

The Secretary, in consultation with the State Coordinating Committees established pursuant to section 2113(b) of this title, shall develop a list of approved forest activities and practices that will be eligible for cost-share assistance under the Program within each State.

(B) Type of activities

The Secretary, in developing a list of approved activities and practices under subparagraph (A), shall attempt to achieve landowner and public purposes including—

(i) the establishment, management, maintenance, and restoration of forests for shelterbelts, windbreaks, aesthetic quality, and other conservation purposes;

(ii) the sustainable growth and management of forests for timber production;

(iii) the protection, restoration, and use of forest wetlands;

(iv) the enhanced management and maintenance of native vegetation on other lands vital to water quality;

(v) the growth and management of trees for energy conservation purposes;

(vi) the management and maintenance of fish and wildlife habitat;

(vii) the management of outdoor recreational opportunities; and

(viii) other activities approved by the Secretary.

(c) Reimbursement of eligible activities

(1) In general

The Secretary shall share the cost of developing and carrying out the forest stewardship plan under section 2103a(f) of this title, and in implementing the approved activities that the Secretary determines are appropriate and in the public interest, with a landowner who has entered in an agreement to place the forest land of such owner into the Program.

(2) Rate

The Secretary, in consultation with the State forester, or equivalent State official, shall determine the appropriate reimbursement rate for cost-share payments under paragraph (1) and the schedule for making such payments.

(3) Maximum

The Secretary shall not make cost-share payments under this subsection to a landowner in an amount in excess of 75 percent of the total cost to such landowner of developing the forest stewardship plan and implementing eligible activities under the plan. The maximum payments to any one landowner shall be determined by the Secretary.

(d) Recapture

(1) In general

The Secretary shall establish and implement a mechanism to recapture payments made to a landowner in the event that the landowner fails to implement any approved activity specified in the forest stewardship plan for which such owner received cost-share payments.

(2) Additional provision

The provisions of paragraph (1) are in addition to any other provision available.

(e) Distribution

The Secretary shall distribute funds available for cost sharing under this section among the States only after assessing the public benefit incident to such distribution and after giving appropriate consideration to—

(1) the total acreage of nonindustrial private forest land in each State;

(2) the potential productivity of such land;

(3) the number of owners eligible for cost sharing in each State;

(4) the need for reforestation in each State;

(5) the opportunities to enhance nontimber resources on such forest lands; and

(6) the anticipated demand for timber and nontimber resources in each State.

(f) Authorization of appropriations

There are authorized to be appropriated $100,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter, to carry out this section.

(Pub. L. 95–313, § 6, as added Pub. L. 101–624, title XII, § 1216, Nov. 28, 1990, 104 Stat. 3526.)

PRIOR PROVISIONS

A prior section 6 of Pub. L. 95–313 was renumbered section 9 and is classified to section 2105 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2106b of this title.

§ 2103c. Forest Legacy Program

(a) Establishment and purpose

The Secretary shall establish a program, to be known as the Forest Legacy Program, in cooperation with appropriate State, regional, and other units of government for the purposes of ascertaining and protecting environmentally important forest areas that are threatened by conversion to nonforest uses and, through the use of conservation easements and other mechanisms, for promoting forest land protection and other conservation opportunities. Such purposes shall also include the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values.

(b) State and regional forest legacy programs

The Secretary shall exercise the authority under subsection (a) of this section in conjunction with State or regional programs that the Secretary deems consistent with this section.

(c) Interests in land

In addition to the authorities granted under section 515 of this title and section 428a(a) of title 7, the Secretary may acquire from willing landowners lands and interests therein, including conservation easements and rights of public access, for Forest Legacy Program purposes. The Secretary shall not acquire conservation easements with title held in common ownership with any other entity.

(d) Implementation

(1) In general

Lands and interests therein acquired under subsection (c) of this section may be held in perpetuity for program and easement administration purposes as the Secretary may provide. In administering lands and interests therein under the program, the Secretary shall identify the environmental values to be protected by entry of the lands into the program, management activities which are planned and the manner in which they may af-