

mation and professional assistance to owners of nonindustrial private forest lands. Such information and assistance shall be directed to help such owners understand and evaluate alternative actions they might take, including—

(1) managing and enhancing the productivity of timber, fish and wildlife habitat, water quality, wetlands, recreational resources, and the aesthetic value of forest lands;

(2) investing in practices to protect, maintain, and enhance the resources identified in paragraph (1);

(3) ensuring that afforestation, reforestation, improvement of poorly stocked stands, 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.

§ 2103b. Watershed forestry assistance program

(a) Definition of nonindustrial private forest land

In this section, the term “nonindustrial private forest land” means rural land, as determined by the Secretary, that—

(1) has existing tree cover or that is suitable for growing trees; and

(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

(b) General authority and purpose

The Secretary, acting through the Chief of the Forest Service and (where appropriate) through the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials at land grant colleges and universities and 1890 institutions for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

(c) Technical assistance to protect water quality

(1) In general

The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

(2) Purpose of program

The program under this subsection shall be designed—

(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and

cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

(3) Implementation

In the case of a participating State, the program of technical assistance shall be implemented by State foresters or equivalent State officials.

(d) Watershed forestry cost-share program

(1) In general

The Secretary shall establish a watershed forestry cost-share program—

(A) which shall be—

(i) administered by the Forest Service; and

(ii) implemented by State foresters or equivalent State officials in participating States; and

(B) under which funds or other support provided to participating States shall be made available for State forestry best-management practices programs and watershed forestry projects.

(2) Watershed forestry projects

The State forester, an equivalent State official of a participating State, or a Cooperative Extension official at a land grant college or university or 1890 institution, in coordination with the State Forest Stewardship Coordinating Committee established under section 2113(b) of this title (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of non-industrial private forest land under the program for watershed forestry projects described in paragraph (3).

(3) Project elements and objectives

A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

(A) the use of trees as solutions to water quality problems in urban and rural areas;

(B) community-based planning, involvement, and action through State, local, and nonprofit partnerships;

(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

(D) watershed-scale forest management activities and conservation planning; and

(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

(ii) the establishment of riparian vegetative buffers.

(4) Cost-sharing

(A) Federal share

(i) Funds under this subsection

Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

(ii) Other Federal funds

The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

(B) Form

The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

(5) Prioritization

The State Forest Stewardship Coordinating Committee for a State, or equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

(6) Watershed forester

Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

(A) lead statewide programs; and

(B) coordinate watershed-level projects.

(e) Distribution

(1) In general

Of the funds made available for a fiscal year under subsection (g) of this section, the Secretary shall use—

(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d) of this section; and

(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

(2) Special considerations

Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

(A) the acres of agricultural land, non-industrial private forest land, and highly erodible land in each State;

(B) the miles of riparian buffer needed;

(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

(D) the number of owners of nonindustrial private forest land in each State; and

(E) water quality cost savings that can be achieved through forest watershed management.

(f) Willing owners

(1) In general

Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

(2) Written consent

The watershed forestry assistance program shall not be carried out on nonindustrial pri-

vate forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

(g) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2004 through 2008.

(Pub. L. 95–313, § 6, as added Pub. L. 108–148, title III, § 302, Dec. 3, 2003, 117 Stat. 1903.)

PRIOR PROVISIONS

A prior section 2103b, Pub. L. 95–313, § 6, as added Pub. L. 101–624, title XII, § 1216, Nov. 28, 1990, 104 Stat. 3526, established the Stewardship Incentive Program, prior to repeal by Pub. L. 107–171, title VIII, § 8001(a), May 13, 2002, 116 Stat. 468.

A prior section 6 of Pub. L. 95–313 was renumbered section 9 and is classified to section 2105 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 affect the values identified, and obtain from the landowner other information determined appropriate for administration and management purposes.

(2) Initial programs

Not later than November 28, 1991, the Secretary shall establish a regional program in

furtherance of the Northern Forest Lands Study in the States of New York, New Hampshire, Vermont, and Maine under Public Law 100–446. The Secretary shall establish additional programs in each of the Northeast, Midwest, South, and Western regions of the United States, and the Pacific Northwest (including the State of Washington), on the preparation of an assessment of the need for such programs.

(e) Eligibility

Not later than November 28, 1991, and in consultation with State Forest Stewardship Coordinating Committees established under section 2113(b) of this title and similar regional organizations, the Secretary shall establish eligibility criteria for the designation of forest areas from which lands may be entered into the Forest Legacy Program and subsequently select such appropriate areas. To be eligible, such areas shall have significant environmental values or shall be threatened by present or future conversion to nonforest uses. Of land proposed to be included in the Forest Legacy Program, the Secretary shall give priority to lands which can be effectively protected and managed, and which have important scenic or recreational values; riparian areas; fish and wildlife values, including threatened and endangered species; or other ecological values.

(f) Application

For areas included in the Forest Legacy Program, an owner of lands or interests in lands who wishes to participate may prepare and submit an application at such time in such form and containing such information as the Secretary may prescribe. The Secretary shall give reasonable advance notice for the submission of all applications to the State forester, equivalent State official, or other appropriate State or regional natural resource management agency. If applications exceed the ability of the Secretary to fund them, priority shall be given to those forest areas having the greatest need for protection pursuant to the criteria described in subsection (e) of this section.

(g) State consent

Where a State has not approved the acquisition of land under section 515 of this title, the Secretary shall not acquire lands or interests therein under authority granted by this section outside an area of that State designated as a part of a program established under subsection (b) of this section.

(h) Forest management activities

(1) In general

Conservation easements or deed reservations acquired or reserved pursuant to this section may allow forest management activities, including timber management, on areas entered in the Forest Legacy Program insofar as the Secretary deems such activities consistent with the purposes of this section.

(2) Assignment of responsibilities

For Forest Legacy Program areas, the Secretary may delegate or assign management and enforcement responsibilities over feder-