(2) criteria to be used in evaluating bids for enrollment of environmentally-sensitive lands in the conservation reserve program;

(3) guidelines for haying or grazing and the control of weeds to protect nesting wildlife on set-aside acreage;

(4) highly erodible lands exemptions and appeals;

(5) wetland and conservation compliance exemptions and appeals;

(6) addressing common weed and pest problems and programs to control weeds and pests found on acreage enrolled in the conservation reserve program;

(7) guidelines for planting perennial cover for water quality and wildlife habitat improvement on set-aside lands;

(8) establishing criteria and priorities for State initiatives under the environmental quality incentives program under part IV of subchapter IV of this chapter; and

(9) other matters determined appropriate by the Secretary.

(d) Authority

Each Committee established under section 3861 of this title is advisory and shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such Committees in administering the programs under this chapter, and to the factual, technical, or scientific findings and recommendations under the Committee's responsibility.

(e) FACA requirements

The committees established under section 3861 of this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 99–198, title XII, § 1262, as added Pub. L. 101–624, title XIV, § 1446, Nov. 28, 1990, 104 Stat. 3604; amended Pub. L. 103–354, title II, § 246(f)(3), Oct. 13, 1994, 108 Stat. 3225; Pub. L. 104–127, title III, § 342(b), Apr. 4, 1996, 110 Stat. 1009.)

REFERENCES IN TEXT

Section 3838b of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 104–127, title III, § 336(h), Apr. 4, 1996, 110 Stat. 1007.

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–127, § 342(b)(1), inserted at end ''Each State technical committee shall provide public notice of, and permit public attendance at meetings considering, issues of concern related to carrying out this chapter.''

Subsec. (b)(1). Pub. L. 104–127, § 342(b)(2), inserted at end ''Each State technical committee shall establish criteria and guidelines for evaluating petitions by agricultural producers regarding new conservation practices and systems not already described in field office technical guides.''

Subsec. (c)(7) to (9). Pub. L. 104–127, § 342(b)(3), struck out ''and'' at end of par. (7), added par. (8), and redesignated former par. (8) as (9).

1994—Subsec. (e). Pub. L. 103–354 added subsec. (e).

PUBLIC NOTICE AND COMMENT FOR REVISIONS TO CERTAIN STATE TECHNICAL GUIDES

Section 343 of Pub. L. 104–127 provided that: ''After the date of enactment of this Act [Apr. 4, 1996], the Secretary of Agriculture shall provide for public notice and comment under section 553 of title 5, United States Code, with regard to any future revisions to those provisions of the Natural Resources Conservation Service State technical guides that are used to carry out subtitles A, B, and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq. [3811 et seq., 3821 et seq.]).''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3861 of this title.

CHAPTER 59—WETLANDS RESOURCES

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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 losses of these valuable areas and to assure their management in the public interest for this and future generations.

(b) Purpose

It is the purpose of this chapter to promote, in concert with other Federal and State statutes and programs, the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere by—

(1) intensifying cooperative efforts among private interests and local, State, and Federal governments for the management and conservation of wetlands; and

(2) intensifying efforts to protect the wetlands of the Nation through acquisition in fee, easements or other interests and methods by local, State, and Federal governments and the private sector.

(Pub. L. 99–645, § 2, Nov. 10, 1986, 100 Stat. 3582.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original ''this Act'', meaning Pub. L. 99–645, Nov. 10, 1986, 100 Stat. 3582, known as the Emergency Wetlands Resources Act of 1986. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 1 of Pub. L. 99–645 provided that: ''This Act [enacting this chapter, amending sections 460*l*–8, 460*l*–9, 707, 715k–3, 715k–5, and 718b of this title, and enacting a provision set out in the table under section 668dd of this title] may be cited as the 'Emergency Wetlands Resources Act of 1986'.''

§ 3902. Definitions

For the purpose of this chapter:

(1) The term ''Committees'' means the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate.

(2) The term ''designated unit'' means a unit of the National Wildlife Refuge System designated by the Secretary under section 3911(a)(2) of this title.

(3) The term ''hydric soil'' means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(4) The term ''hydrophytic vegetation'' means a plant growing in—

(A) water; or

(B) a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

(5) The term ''wetland'' means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(Pub. L. 99–645, § 3, Nov. 10, 1986, 100 Stat. 3583; Pub. L. 103–437, § 6(d)(41), Nov. 2, 1994, 108 Stat. 4585.)

AMENDMENTS

1994—Par. (1). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' after ''Committee on''.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources 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.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction

transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 698n of this title.

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

§ 3911. Sale of admission permit at certain refuge units

(a) Sale of admission permits

(1) Notwithstanding the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.), in order to provide additional revenues for the conservation of wetland resources of the Nation and for the operation and maintenance of refuges—

(A) the Secretary of the Interior may, at units of the National Wildlife Refuge System designated by the Secretary under paragraph (2)—

(i) charge fees for admission permits;

(ii) sell Golden Eagle passports and Golden Age passports; [1]

(iii) issue at no charge lifetime admission permits as authorized in section 4(a)(5) of the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 460*l*–6a(a)(5)]; [1]

(B) the amounts collected by the Secretary as a result of the activities described in subparagraph (A) shall be distributed as provided in subsection (c) of this section.

(2) The Secretary shall designate a unit of the National Wildlife Refuge System for purposes of this chapter if the Secretary determines, with respect to such unit, that—

(A) The level of visitation for recreational purposes is high enough to justify the collection of fees for admission permits for economic reasons.

(B) There is a practical mechanism in existence for implementing and operating a system of collecting fees for admission permits.

(C) Imposition of a fee for admission permits is not likely to result in undue economic hardship for a significant number of visitors to the unit.

(b) Exceptions

(1) The Secretary may not require an admission permit under subsection (a)(1) of this section for entry by a person into a designated unit if such person is the holder of—

(A) a valid migratory bird hunting and conservation stamp issued under section 718b of this title;

(B) a valid Golden Eagle Passport issued under section 4(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(a)(1));

(C) a valid Golden Age Passport issued under section 4(a)(4) of such Act [16 U.S.C. 460*l*–6a(a)(4)]; or

(D) a valid lifetime admission permit as authorized in section 4(a)(5) of such Act [16 U.S.C. 460*l*–6a(a)(5)].

(2) Permits for a single visit to any designated unit shall be made available by the Secretary of the Interior for a reasonable fee, but not to exceed $3 for individuals or $7.50 per vehicle. For purposes of this subsection, the term ''single visit'' means a more or less continuous stay within a designated unit by a person or group described in subsection (d) of this section. Payment of a single visit fee and issuance of a single visit permit shall authorize exits from and reentries to a single designated unit for a period of from one to fifteen days. Such period shall be defined for each designated unit by the Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit.

(3) Special admission permits for uses such as group activities may be issued in accordance with procedures and at fees established by the Secretary.

(4) A person may not be required to purchase an admission permit under subsection (a)(1) of this section in order to travel by private noncommercial vehicle over any road or highway—

(A)(i) established as part of the National Federal Aid System (as defined in section 101 of title 23); and

(ii) commonly used by the public as a means of travel between two places which are outside the designated unit; or

(B) to any land in which such person has a property interest if such land is within any designated unit.

(5) A person may not be required to purchase an admission permit under subsection (a)(1) of this section for entrance or admission to a unit of the National Wildlife Refuge System created, expanded, or modified by Public Law 96–487.

(c) Distribution of amounts collected

Amounts collected from the sale of admission permits under this section and from fees collected at any unit of the National Wildlife Refuge System under subsections (b) and (c) of section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(b), (c)) shall be distributed as follows:

(A) Thirty per centum shall be available to the Secretary of the Interior until expended. The Secretary shall use such amount—

(i) first, to defray the cost of collection;

(ii) next, for operation and maintenance of the collecting unit; and

(iii) next, for operation and maintenance of all units within the National Wildlife Refuge System, except those units created, expanded, or modified by Public Law 96–487.

(B) Seventy percent shall be deposited into the migratory bird conservation fund established under section 718d of this title.

(d) Persons accompanying permittees

A person who holds a stamp, passport, or permit described in subsection (b) of this section

[1] So in original. Probably should be followed by ''and''.

shall be entitled to general entrance into any designated unit, along with—

(1) any persons accompanying such person in a single, private, noncommercial vehicle; or

(2) where entry to the area is by any means other than single, private, noncommercial vehicle, the person and any accompanying spouse, children, or parents.

(e) Restrictions

A permit issued under this section is nontransferable. Such a permit may not authorize any uses for which fees are charged under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.).

(f) Establishment of fees; posting of notices

(1) All fees established pursuant to this section shall be fair and equitable. In establishing such fees, the Secretary shall consider the following:

(A) The direct and indirect cost to the Government.

(B) The benefits to the permit holder.

(C) The public policy or interest served.

(D) The comparable fees charged by non-Federal public agencies.

(E) The economic and administrative feasibility of fee collection and other pertinent factors.

(2) The Secretary shall require that notice that a fee has been established under this section—

(A) be prominently posted at each designated unit and at appropriate locations in each such unit; and

(B) to the extent practicable, be included in publications distributed at such units.

(g) Volunteers

The Director of the United States Fish and Wildlife Service may accept services of volunteers to sell admission permits under this section or to sell Golden Eagle and Golden Age Passports or Migratory Bird Hunting and Conservation Stamps. The Director may use funds appropriated or otherwise made available to the Service to cover the cost of any surety bond that may be required of a volunteer performing the services authorized under this subsection.

(Pub. L. 99–645, title II, § 201, Nov. 10, 1986, 100 Stat. 3584.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsecs. (a)(1) and (e), is Pub. L. 88–578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 460*l*–4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–4 of this title and Tables.

This chapter, referred to in subsec. (a)(2), was in the original ''this Act'', meaning Pub. L. 99–645, Nov. 10, 1986, 100 Stat. 3582, known as the Emergency Wetlands Resources Act of 1986. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

Public Law 96–487, referred to in subsecs. (b)(5) and (c)(A)(iii), is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3902 of this title.

§ 3912. Transfers to migratory bird conservation fund

Notwithstanding any other provision of law, an amount equal to the amount of all import duties collected on arms and ammunition, as specified in chapter 93 of the Harmonized Tariff Schedule of the United States, shall, beginning with the next fiscal year quarter after November 10, 1986, be paid quarterly into the migratory bird conservation fund established under section 718d of this title.

(Pub. L. 99–645, title II, § 203, Nov. 10, 1986, 100 Stat. 3586; Pub. L. 100–418, title I, § 1214(f), Aug. 23, 1988, 102 Stat. 1156.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in text, is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties.

AMENDMENTS

1988—Pub. L. 100–418 substituted ''chapter 93 of the Harmonized Tariff Schedule of the United States'' for ''subpart A of part 5 of schedule 7 of the Tariff Schedules of the United States''.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100–418, set out as an Effective Date note under section 3001 of Title 19, Customs Duties.

SUBCHAPTER III—STATE AND FEDERAL WETLANDS ACQUISITION

§ 3921. National wetlands priority conservation plan

(a) In general

The Secretary shall establish, and periodically review and revise, a national wetlands priority conservation plan which shall specify, on a region-by-region basis or other basis considered appropriate by the Secretary, the types of wetlands and interests in wetlands which should be given priority with respect to Federal and State acquisition.

(b) Consultation

The Secretary shall establish the plan required by subsection (a) of this section after consultation with—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Commerce;

(3) the Secretary of Agriculture; and

(4) (the chief executive officer of) each State.

(c) Factors to be considered

The Secretary, in establishing the plan required by subsection (a) of this section, shall consider—

(1) the estimated proportion remaining of the respective types of wetlands which existed at the time of European settlement;

(2) the estimated current rate of loss and the threat of future losses of the respective types of wetlands; and

(3) the contributions of the respective types of wetlands to—

(A) wildlife, including endangered and threatened species, migratory birds, and resident species;

(B) commercial and sport fisheries;

(C) surface and ground water quality and quantity, and flood control;

(D) outdoor recreation; and

(E) other areas or concerns the Secretary considers appropriate.

(Pub. L. 99–645, title III, § 301, Nov. 10, 1986, 100 Stat. 3586.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460*l*–8, 3922, 3954, 4404 of this title.

§ 3922. Federal acquisition

The Secretary is authorized to purchase wetlands or interests in wetlands, which are not acquired under the authority of the Migratory Bird Conservation Act of 1929 (16 U.S.C. 715–715s), consistent with the wetlands priority conservation plan established under section 3921 of this title.

(Pub. L. 99–645, title III, § 304, Nov. 10, 1986, 100 Stat. 3588.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act of 1929, referred to in text, is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*–9 of this title.

§ 3923. Restriction on use of eminent domain in acquisitions

The powers of condemnation or eminent domain shall not be used in the acquisition of wetlands under any provision of this chapter where such wetlands have been constructed for the purpose of farming or ranching, or result from conservation activities associated with farming or ranching.

(Pub. L. 99–645, title III, § 305, Nov. 10, 1986, 100 Stat. 3588.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 99–645, Nov. 10, 1986, 100 Stat. 3582, known as the Emergency Wetlands Resources Act of 1986. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

SUBCHAPTER IV—WETLANDS INVENTORY AND TREND ANALYSIS

§ 3931. National wetlands inventory project

(a) In general

The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall continue the National Wetlands Inventory Project and shall—

(1) produce, by September 30, 1988, National Wetlands Inventory maps for the areas that have been identified by the Service as top priorities for mapping, including—

(A) the entire coastal zone of the United States;

(B) floodplains of major rivers; and

(C) the Prairie Pothole region;

(2) produce, by September 30, 1998, National Wetlands Inventory maps for those portions of the contiguous United States for which final maps have not been produced earlier;

(3) produce, by September 30, 2000, National Wetlands Inventory maps for Alaska and other noncontiguous portions of the United States;

(4) produce, by September 30, 1990, and at ten-year intervals thereafter, reports to update and improve the information contained in the report dated September 1982 and entitled ''Status and Trends of Wetlands and Deepwater Habitat in the Coterminous United States, 1950's to 1970's'';

(5) produce, by April 30, 1990, a report that provides—

(A) an assessment of the estimated total number of acres of wetland habitat as of the 1780's in the areas that now comprise each State; and

(B) an assessment of the estimated total number of acres of wetlands in each State as of the 1980's, and the percentage of loss of wetlands in each State between the 1780's and the 1980's;

(6) produce, by September 30, 2004, a digital wetlands data base for the United States based on the final wetlands maps produced under this section; and

(7) archive and make available for dissemination wetlands data and maps digitized under this section as such data and maps become available.

(b) Notice

The Secretary shall notify the appropriate State and local units of government at such time as he proposes to begin map preparation under subsection (a) of this section in an area. Such notice shall include, but is not limited to, the identification of the area to be mapped, the proposed schedule for completion, and the identification of a source for further information.

(Pub. L. 99–645, title IV, § 401, Nov. 10, 1986, 100 Stat. 3588; Pub. L. 101–233, § 18, Dec. 13, 1989, 103 Stat. 1978; Pub. L. 102–440, title III, § 305, Oct. 23, 1992, 106 Stat. 2235.)

AMENDMENTS

1992—Subsec. (a)(3). Pub. L. 102–440, § 305(1), substituted ''by September 30, 2000'' for ''as soon as practicable''.

Subsec. (a)(4). Pub. L. 102–440, § 305(2), which directed amendment of par. (4) by substituting a semicolon for ''. And'', was executed by making the substitution for ''. and'', to reflect the probable intent of Congress.

Subsec. (a)(6), (7). Pub. L. 102–440, § 305(3), (4), added pars. (6) and (7).

1989—Subsec. (a)(5). Pub. L. 101–233 added par. (5).

§ 3932. Reports to Congress

(a) In general

The Secretary, in consultation and cooperation with the Secretary of Agriculture, shall prepare and submit to the committees—

(1) by March 30, 1987, a report regarding the status, condition, and trends of wetlands in the lower Mississippi alluvial plain and the prairie pothole regions of the United States; and

(2) by September 30, 1987, a report regarding trends of wetlands in all other areas of the United States.

(b) Contents of reports

The reports required under subsection (a) of this section shall contain—

(1) an analysis of the factors responsible for wetlands destruction, degradation, protection and enhancement;

(2) a compilation and analysis of Federal statutory and regulatory mechanisms, including expenditures, financial assistance, and tax provisions which—

(A) induce wetlands destruction or degradation; or

(B) protect or enhance wetlands;

(3) a compilation and analysis of Federal expenditures resulting from wetlands destruction, degradation, protection or enhancement;

(4) an analysis of public and private patterns of ownership of wetlands;

(5) an analysis of the environmental and economic impact of eliminating or restricting future Federal expenditures and financial assistance, whether direct or indirect, which have the effect of encouraging the destruction, degradation, protection or enhancement of wetlands, including—

(A) public works expenditures;

(B) assistance programs such as price support programs, commodity loans and purchase programs and disaster assistance programs;

(C) soil conservation programs; and

(D) certain income tax provisions;

(6) an analysis of the environmental and economic impact of failure to restrict future Federal expenditures, financial assistance, and tax provisions which have the effect of encouraging the destruction, degradation, protection or enhancement of wetlands, including—

(A) assistance for normal silviculture activity (such as plowing, seeding, planting, cultivating, minor drainage, or harvesting for the production of fiber or forest products);

(B) Federal expenditures required incident to studies, evaluations, design, construction, operation, maintenance, or rehabilitation of Federal water resource development activities, including channel improvements;

(C) the commodity loans and purchases program and cotton, feed grain, wheat, and rice production stabilization programs administered by the Department of Agriculture; and

(D) Federal expenditures for the construction of publicly owned or publicly operated highways, roads, structures, or facilities that are essential links in a larger network or system; and

(7) recommendations for the conservation of wetlands resources based on an evaluation and comparison of all management alternatives, and combinations of management alternatives, such as State and local actions, Federal actions, and initiatives by private organizations and individuals.

(Pub. L. 99–645, title IV, § 402, Nov. 10, 1986, 100 Stat. 3589.)

CHAPTER 59A—WETLANDS

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 777c of this title; title 26 section 9504.

§ 3951. Definitions

As used in this chapter, the term—

(1) ''Secretary'' means the Secretary of the Army;

(2) ''Administrator'' means the Administrator of the Environmental Protection Agency;

(3) ''development activities'' means any activity, including the discharge of dredged or fill material, which results directly in a more than de minimus change in the hydrologic regime, bottom contour, or the type, distribution or diversity of hydrophytic vegetation, or which impairs the flow, reach, or circulation of surface water within wetlands or other waters;

(4) ''State'' means the State of Louisiana;

(5) ''coastal State'' means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the