

# Committee on Natural Resources

Rob Bishop, Chairman  
Markup Memorandum

January 29, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff  
Subcommittee on Federal Lands (x6-7736)

Markup: Markup on H.R. 894 (Rep. Rodney Frelinghuysen, R-NJ), To reauthorize the Highlands Conservation Act through 2021.  
February 2-3, 2016 1324 Longworth HOB

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## **H.R. 894 (Rep. Rodney Frelinghuysen, R-NJ), To reauthorize the Highlands Conservation Act through 2021**

### **Bill Summary**

H.R. 894, introduced by Congressman Rodney Frelinghuysen (R-NJ) would reauthorize the Secretary of the Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands states (New Jersey, New York, Pennsylvania, and Connecticut) to preserve and protect high priority conservation lands in the Highlands region through 2021.

### **Cosponsors**

Rep. Cartwright (D-PA); Rep Costello (R-PA); Rep. Dent (R-PA); Rep. Engel (D-NY); Rep. Esty (D-CT); Rep. Garrett (R-NJ); Rep. Gibson (R-NY); Rep Lance (R-NJ); Rep. Lowey (D-NY); Rep. Sean Maloney (D-NY); Rep. Meehan (R-PA); Rep. Pascrell (D-NJ); and Rep. Tonko (D-NY).

### **Background**

The Northeastern Highlands is a geographic region that encompasses over two million acres stretching from western Connecticut across the Lower Hudson River Valley and northern New Jersey into east central Pennsylvania. About 1.4 million people live in the Highlands Region, which is adjacent to one of the most populous metropolitan regions of the nation, and is the source of the region's drinking water.

The purpose of the Highlands Stewardship Act is to promote conservation of natural resources and conservation lands as identified in the U.S. Forest Service's update of the NY-NJ Highlands Regional Study and state open space plans. The bill reauthorizes \$11 million annually for land conservation partnership projects and for technical assistance to private landowners and local communities. The program funds land acquisition by these states – not the federal government.

## **Major Provisions**

- Extends the date for the authorization of appropriations from 2014 to 2021.

## **Cost**

In the 113th Congress, CBO estimated that implementing H.R. 712, a bill identical to H.R. 896, would have no significant impact on the federal budget. The bill authorizes \$11 million annually - \$10 million for the Department of the Interior and \$1 million for the Department of Agriculture to be used by the U.S. Forest Service.

## **Administration Position**

Unknown at this time

## **Anticipated Amendments:**

We do not anticipate any amendments at this time.

## **Effect on Current Law (Ramseyer)**

### **Showing Currently Law As Amended by H.R. 894**

[new text highlighted in yellow; deleted text bracketed and highlighted in blue]

## **Public Law 108-421, The Highlands Conservation Act**

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SEC. 4. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) Submission of Proposed Projects.--Each year, the governors of the Highlands States, with input from pertinent units of local government and the public, may--

(1) jointly identify land conservation partnership projects in the Highlands region from land identified as having high conservation values in the Study, the Update, or the Pennsylvania and Connecticut Update that shall be proposed for Federal financial assistance; and

(2) submit a list of those projects to the Secretary of the Interior.

(b) Consideration of Projects.--Each year, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit to Congress a list of the land conservation partnership projects submitted under subsection (a) (2) that are eligible to receive financial assistance under this section.

(c) Eligibility Conditions.--To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that--

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share under subsection (d);

(3) describes the management objectives for the land that will ensure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States--

(A) may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court; and

(B) shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of--

(i) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(ii) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in--

(A) the Important Areas portion of the Study;

(B) the Conservation Focal Areas portion of the Update;

(C) the Conservation Priorities portion of the Update;

(D) land identified as having higher or highest resource value in the Conservation Values Assessment portion of the Update; and

(E) land identified as having high conservation value in the Pennsylvania and Connecticut Update.

(d) Non-Federal Share Requirement.--The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) Authorization of Appropriations.--There is authorized to be appropriated to the Secretary of the Interior \$10,000,000 for each of fiscal years 2005 through [2014] 2021, to remain available until expended.

#### SEC. 5. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) In General.--To meet the land resource goals of, and the scientific and conservation challenges identified in, the Study, Update,

and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the National Resources Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

(b) Duties.--The Forest Service shall--

(1) in consultation with the Highlands States, undertake other studies and research in the Highlands region consistent with the purposes of this Act, including a Pennsylvania and Connecticut Update;

(2) communicate the findings of the Study and Update and maintain a public dialogue regarding implementation of the Study and Update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) Authorization of Appropriations.--There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$1,000,000 for each of fiscal years 2005 through [2014] 2021.