

Showing Current Law as amended by H.R. 2793 (Maloney)

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

The Highlands Conservation Act ([Public Law 108-421](#); 118 Stat. 2375)

SECTION 1. SHORT TITLE. This Act may be cited as the “Highlands Conservation Act”.

SEC. 2. PURPOSES. The purposes of this Act are—

(1) to recognize the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States;

(2) to authorize the Secretary of the Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation land in the Highlands region; and

(3) to continue the ongoing Forest Service programs in the Highlands region 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.

SEC. 3. DEFINITIONS. In this Act:

[(1) HIGHLANDS REGION.—The term “Highlands region” means the area depicted on the map entitled “The Highlands Region”, dated June 2004, including the list of municipalities included in the Highlands region, and maintained in the headquarters of the Forest Service in Washington, District of Columbia.]

(1) HIGHLANDS REGION.—The term ‘Highlands region’ means—

(A) the area depicted on the map entitled ‘The Highlands Region’, dated June 2004, updated after the date of enactment of the Highlands Conservation Reauthorization Act of 2021 to comprise each municipality included on the list of municipalities included in the Highlands region as of that date of enactment, and maintained in the headquarters of the Forest Service in Washington, District of Columbia; and

(B) a municipality approved by the Director of the United States Fish and Wildlife Service under section 4(e).

(2) HIGHLANDS STATE.—The term “Highlands State” means—

(A) the State of Connecticut;

(B) the State of New Jersey;

- (C) the State of New York; and
- (D) the State of Pennsylvania.

(3) LAND CONSERVATION PARTNERSHIP PROJECT.—The term “land conservation partnership project” means a land conservation project—

- (A) located in the Highlands region;
- [(B) identified by the Forest Service in the Study, the Update, or any subsequent Pennsylvania and Connecticut Update as having high conservation value; and]**
- (B) identified by a Highlands State as having high conservation value using the best available science and geographic information systems; and**
- (C) in which a non-Federal entity acquires land or an interest in land from a willing seller to permanently protect, conserve, or preserve the land through a partnership with the Federal Government.

(4) NON-FEDERAL ENTITY.—The term “non-Federal entity” means—

- (A) any Highlands State~~; or~~ , including a political subdivision thereof; or
- (B) any agency or department of any Highlands State with authority to own and manage land for conservation purposes, including the Palisades Interstate Park Commission.

[(5) STUDY.—The term “Study” means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.]

[(6) UPDATE.—The term “Update” means the New YorkNew Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.]

[(7) PENNSYLVANIA AND CONNECTICUT UPDATE.—The term “Pennsylvania and Connecticut Update” means a report to be completed by the Forest Service that identifies areas having high conservation values in the States of Connecticut and Pennsylvania in a manner similar to that utilized in the Study and Update.]

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]~~ using the best available science and geographic information systems; 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.]

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in accordance with the purposes described in section 2 in the Highlands region.

(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) REQUEST FOR INCLUSION OF ADDITIONAL MUNICIPALITY.—The Director of the United States Fish and Wildlife Service may, at the request of a Highlands State, approve the inclusion of a municipality within the State as part of the Highlands region.

(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—

(1) FEDERAL ADMINISTRATION.—The Secretary of the Interior may not expend more than \$300,000 for the administration of this Act in each fiscal year.

(2) STATE ADMINISTRATION.—A State that receives funds under this section for a land conservation partnership project may not use more than 5 percent of the funds to administer the land conservation partnership project.

[(e)] (g) 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 2021] \$20,000,000 for each fiscal years 2022 through 2028, 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] with stakeholders regarding implementation of the program; 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.

SEC. 6. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act—

(1) requires a private property owner to permit public access (including Federal, State, or local government access) to private property; or

(2) modifies any provision of Federal, State, or local law with regard to public access to, or use of, private land.

(b) **LIABILITY.**—Nothing in this Act creates any liability, or has any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**— Nothing in this Act modifies any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS.**—Nothing in this Act requires the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this Act.

(e) **PURCHASE OF LAND OR INTERESTS IN LAND FROM WILLING SELLERS ONLY.**— Funds appropriated to carry out this Act shall be used to purchase land or interests in land only from willing sellers.

(f) APPRAISAL METHODOLOGY.—

(1) **IN GENERAL.**—With respect to an appraisal related to a land acquisition carried out under this Act, a Highlands State may use an appraisal methodology approved by the Secretary of the Interior.

(2) **ALTERNATIVE APPRAISAL METHODOLOGY.**—A Highlands State may petition the Secretary of the Interior to consider an alternative appraisal methodology when there is a conflict, in any Highlands State, between—

(A) an appraisal methodology approved by the Secretary of the Interior under paragraph (1); and

(B) applicable State law.