

104TH CONGRESS
1ST SESSION

S. 1163

To implement the recommendations of the Northern Stewardship Lands Council.

IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, JULY 10), 1995

Mr. LEAHY (for himself, Mr. GREGG, Mr. JEFFORDS, Mr. COHEN, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To implement the recommendations of the Northern Stewardship Lands Council.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Forest Stew-
5 ardship Act”.

6 **SEC. 2. DECLARATIONS.**

7 With respect to the Northern Forest, in the States
8 of Maine, New Hampshire, New York, and Vermont, Con-
9 gress declares that—

1 (1) people have a right to participate in deci-
2 sions that affect them;

3 (2) the rights of private property owners must
4 be respected;

5 (3) natural systems must be sustained over the
6 long-term air, soil, water, and the diversity of plant
7 and animal species;

8 (4) the history and culture of the Northern
9 Forest and the connections between people and the
10 land must be respected;

11 (5) States must work in partnership with local
12 and Federal Government;

13 (6) differences among the 4 Northern Forest
14 States must be recognized;

15 (7) people must appreciate that the Northern
16 Forest has values that are important beyond the
17 boundaries of the forest;

18 (8) public funds are scarce; the greatest public
19 benefit must be secured for any additional invest-
20 ment;

21 (9) proposals must be judged by their long-term
22 benefits;

23 (10) programs and regulations should be con-
24 tinually evaluated, built upon, and improved before
25 new ones are created; and

1 (11) this Act is enacted to implement the will
2 of the States, businesses, landowners, and concerned
3 citizens, as described by the consensus report of the
4 Northern Forest Lands Council submitted to Con-
5 gress in September 1994.

6 **SEC. 3. MARKETING COOPERATIVES.**

7 (a) IN GENERAL.—The Secretary of Agriculture shall
8 provide technical assistance to the States of Maine, New
9 Hampshire, New York, and Vermont to organize market-
10 ing cooperatives of willing landowners to collectively grow,
11 process, prepare for market, and market raw forest prod-
12 ucts in interstate and foreign commerce and to serve other
13 stewardship goals collectively among willing landowners.

14 (b) STUDY.—The Secretary of Agriculture shall pre-
15 pare a study of the Northern Forest region to assess—

16 (1) landowner interest in creating marketing co-
17 operatives;

18 (2) forest-related economic and environmental
19 benefits that could be enhanced through marketing
20 cooperatives including the development of domestic
21 processing plants, access to professional foresters
22 and forest scientists, biodiversity protection, and
23 long-term sustainability; and

24 (3) barriers to creating marketing cooperative
25 for forest landowners.

1 **SEC. 4. PRINCIPLES OF SUSTAINABILITY.**

2 (a) IN GENERAL.—The Secretary of Agriculture, act-
3 ing through the Chief of the Forest Service, shall, at the
4 request of the States of Maine, New Hampshire, New
5 York, and Vermont, provide technical assistance in work-
6 ing with the forest products industry, forest-dependent
7 communities, interested citizens, and scientists, as appro-
8 priate, to define benchmarks of sustainability and estab-
9 lish practical techniques for implementing and monitoring
10 principles of sustainability.

11 (b) PRINCIPLES OF SUSTAINABILITY.—For the pur-
12 poses of subsection (a), principles of sustainability in-
13 clude—

14 (1) maintenance of soil productivity;

15 (2) conservation of water quality, wetlands, and
16 riparian zones;

17 (3) maintenance or creation of a healthy bal-
18 ance of forest age classes;

19 (4) continuous flow of timber, pulpwood, and
20 other forest products;

21 (5) improvement of the overall quality of the
22 timber resource as a foundation for more value-
23 added opportunities;

24 (6) addressing scenic quality by limiting adverse
25 aesthetic impacts of forest harvesting, particularly in
26 high-elevation areas and vistas;

1 (7) conservation and enhancement of habitats
2 that support a full range of native flora and fauna;

3 (8) protection of unique or fragile natural
4 areas; and

5 (9) continuation of opportunities for traditional
6 recreation.

7 **SEC. 5. NORTHERN FOREST RESEARCH COOPERATIVE.**

8 The Secretary of Agriculture, acting through the
9 Northeast Forest Experiment Station and other programs
10 administered by the Chief of the Forest Service, shall co-
11 operate with the States of Maine, New Hampshire, New
12 York, and Vermont, the land grant universities of those
13 States, natural resource and forestry schools, and other
14 interested parties in collecting, coordinating, and promot-
15 ing—

16 (1) research at those universities on ecosystem
17 health, forest management, product development, ec-
18 onomics, and related fields;

19 (2) forest management practices for use by land
20 managers to maximize multiresource benefits and
21 ecosystem health;

22 (3) technology transfer to the wood products in-
23 dustry on efficient processing, pollution prevention,
24 and energy conservation; and

1 (4) the dissemination of existing and new infor-
2 mation to landowners, public and private resource
3 managers, State forest citizen advisory committees,
4 and the general public through information clearing-
5 house activities.

6 **SEC. 6. INTERSTATE COORDINATION STRATEGY.**

7 (a) MEETINGS OF FOREST SERVICE REPRESENTA-
8 TIVE AND REPRESENTATIVES OF STATES.—The Chief of
9 the Forest Service shall make a representative of the State
10 and Private Forest Program available to meet jointly at
11 least once a year with representatives of the States of
12 Maine, New Hampshire, New York, and Vermont to co-
13 ordinate the implementation of Federal, State, and local
14 interests in the Northern Forest.

15 (b) APPOINTMENT.—Representatives of a State may
16 include—

17 (1) the State forester, commissioner of forestry,
18 or equivalent officer with responsibility for setting
19 forestry policy for the State;

20 (2) 1 representative appointed by the presiding
21 officer of each house of the State legislature;

22 (3) a citizen advisory committee appointed by
23 the Governor; and

24 (4) the congressional delegation of the State.

1 **SEC. 7. LABOR SAFETY AND TRAINING.**

2 The Secretary of Labor, in cooperation with the Sec-
3 retary of Agriculture, acting through the Chief of the For-
4 est Service, shall provide technical assistance to forest-
5 based industry groups to—

6 (1) improve workplace safety;

7 (2) establish and expand appropriate training
8 programs; and

9 (3) encourage the development of equipment
10 and methods of timber harvesting that are safer
11 than those currently in use, profitable, and environ-
12 mentally compatible.

13 **SEC. 8. LAND CONSERVATION.**

14 (a) FEDERAL ASSISTANCE.—The Secretary of Agri-
15 culture, acting through the Chief of the Forest Service,
16 and the Secretary of the Interior, acting through the Di-
17 rector of the Park Service and Director of the United
18 States Fish and Wildlife Service, at the request of the
19 State of Maine, New Hampshire, Vermont, or New York,
20 shall provide technical and financial assistance for land
21 acquisition planning and land acquisition.

22 (b) CRITERIA.—The planning process to prioritize
23 land conservation shall include the following criteria:

24 (1) Conservation of and access to outstanding
25 recreational values such as hunting, fishing, trap-
26 ping, camping, boating, and hiking opportunities.

1 (2) Outstanding biological diversity, ecological
2 value, geological features, and ecosystem function.

3 (3) Willing seller with community approval.

4 (4) Outstanding scenic value.

5 (5) The potential of losing any of the values de-
6 scribed in paragraphs (1) through (4) as the result
7 of conversion of land to a nonforest use.

8 (c) WILLING SELLER.—No Federal funds may be ex-
9 pended on private or public property unless the property
10 is offered on a willing-seller basis.

11 (d) LAND ACQUISITION.—Federal and State coopera-
12 tive land acquisition projects may be carried out with
13 funding provided exclusively by the Federal Government
14 or with funding provided by both the Federal Government
15 and the State government according to Federal land con-
16 servation objectives and State land conservation objec-
17 tives.

18 (e) COMPLEMENTARY PROGRAM.—The Secretary of
19 the Interior shall conduct activities under this section as
20 a complement to the State Comprehensive Outdoor Recre-
21 ation Plan for each Northern Forest State and with a
22 landscape perspective.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated, out of the land and
25 water conservation fund established by section 2 of the

1 Land and Water Conservation Fund Act of 1965 (16
2 U.S.C. 4601-4), such sums as are necessary to carry out
3 this section.

4 **SEC. 9. LANDOWNER LIABILITY EXEMPTION.**

5 (a) FINDINGS.—Congress finds that—

6 (1) many landowners allow free access by the
7 general public to private lands for recreational pur-
8 poses; and

9 (2) when landowners make their resources
10 available for public enjoyment without a fee, land-
11 owners should not be liable for acts based on the
12 mere fact of ownership of undeveloped land and
13 awareness that a citizen or citizens were using their
14 land.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that States should enact laws that protect forest
17 land owners from liability of responsible use of private
18 lands by citizens who use private lands free of charge.

19 **SEC. 10. NONGAME CONSERVATION.**

20 (a) FINDINGS.—Congress finds that—

21 (1) private landowners often manage their lands
22 in ways that produce a variety of public benefits in-
23 cluding wildlife habitat; and

1 (2) there should be more incentives for private
2 landowners to exceed current forest management
3 standards and responsibilities under Federal laws.

4 (b) SENSE OF CONGRESS.—It is the sense of the
5 Congress that Congress should make it a priority to con-
6 sider legislation that creates a funding mechanism to sup-
7 port the conservation of nongame fish and wildlife and as-
8 sociated recreation activities on public and private lands
9 and does not replace, substitute, or duplicate existing laws
10 that support game fish and wildlife.

11 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated for fiscal years
13 1996, 1997, 1998, 1999, and 2000 such sums as are nec-
14 essary to carry out sections 4, 5, 6, and 7 of this Act
15 and section 2371 of the Rural Economic Development Act
16 of 1990 (7 U.S.C. 6601) in the States of Maine, New
17 Hampshire, New York, and Vermont.

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