

108TH CONGRESS
1ST SESSION

H. R. 1964

To establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2003

Mr. FRELINGHUYSEN (for himself, Mrs. KELLY, Mr. ANDREWS, Mr. HOEFFEL, Mr. ISRAEL, Mr. GARRETT of New Jersey, Mrs. MALONEY, Mr. PALLONE, Mr. PAYNE, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. WALSH, Mr. BOEHLERT, Mr. FERGUSON, Mr. GREENWOOD, Mr. HOLT, Mrs. JOHNSON of Connecticut, Mr. LOBIONDO, Mr. MENENDEZ, Mr. PASCARELL, Mr. ROTHMAN, Mr. SAXTON, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes.

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 “Highlands Stewardship
5 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Highlands region is a geographic area
4 that encompasses more than 2,000,000 acres extend-
5 ing from eastern Pennsylvania through the States of
6 New Jersey and New York to northwestern Con-
7 necticut;

8 (2) the Highlands region is an environmentally
9 unique area that—

10 (A) provides clean drinking water to over
11 15,000,000 people in metropolitan areas in the
12 States of Connecticut, New Jersey, New York,
13 and Pennsylvania;

14 (B) provides critical wildlife habitat, in-
15 cluding habitat for 247 threatened and endan-
16 gered species;

17 (C) maintains an important historic con-
18 nection to early Native American culture, colo-
19 nial settlement, the American Revolution, and
20 the Civil War;

21 (D) contains recreational resources for 14
22 million visitors annually; and

23 (E) provides other significant ecological,
24 natural, tourism, recreational, educational, and
25 economic benefits;

1 (3) an estimated 1 in 12 citizens of the United
2 States live within a 2-hour drive of the Highlands
3 region;

4 (4) more than 1,400,000 residents live in the
5 Highlands region;

6 (5) the Highlands region forms a greenbelt ad-
7 jacent to the Philadelphia-New York City-Hartford
8 urban corridor that offers the opportunity to pre-
9 serve natural and agricultural resources, open
10 spaces, recreational areas, and historic sites, while
11 encouraging sustainable economic growth and devel-
12 opment in a fiscally and environmentally sound man-
13 ner;

14 (6) continued population growth and land use
15 patterns in the Highlands region—

16 (A) reduce the availability and quality of
17 water;

18 (B) reduce air quality;

19 (C) fragment the forests;

20 (D) destroy critical migration corridors
21 and forest habitat; and

22 (E) result in the loss of recreational oppor-
23 tunities and scenic, historic, and cultural re-
24 sources;

1 (7) the natural, agricultural, and cultural re-
2 sources of the Highlands region, in combination with
3 the proximity of the Highlands region to the largest
4 metropolitan areas in the United States, make the
5 Highlands region nationally significant;

6 (8) the national significance of the Highlands
7 region has been documented in—

8 (A) the New York-New Jersey Highlands
9 Regional Study conducted by the Forest Service
10 in 1990;

11 (B) the New York-New Jersey Highlands
12 Regional Study: 2002 Update conducted by the
13 Forest Service;

14 (C) the bi-State Skylands Greenway Task
15 Force Report;

16 (D) the New Jersey State Development
17 and Redevelopment Plan;

18 (E) the New York State Open Space Con-
19 servation Plan;

20 (F) the Connecticut Green Plan: Open
21 Space Acquisition FY 2001–2006;

22 (G) the open space plans of the State of
23 Pennsylvania; and

24 (H) other open space conservation plans
25 for States in the Highlands region;

1 (9) the Highlands region includes or is adjacent
2 to numerous parcels of land owned by the Federal
3 Government or federally designated areas that pro-
4 tect, conserve, restore, promote, or interpret re-
5 sources of the Highlands region, including—

6 (A) the Wallkill River National Wildlife
7 Refuge;

8 (B) the Shawanagunk Grasslands Wildlife
9 Refuge;

10 (C) the Morristown National Historical
11 Park;

12 (D) the Delaware and Lehigh Canal Cor-
13 ridors;

14 (E) the Hudson River Valley National
15 Heritage Area;

16 (F) the Delaware River Basin;

17 (G) the Delaware Water Gap National
18 Recreation Area;

19 (H) the Upper Delaware Scenic and Rec-
20 reational River;

21 (I) the Appalachian National Scenic Trail;

22 (J) the United States Military Academy at
23 West Point, New York;

24 (K) the Highlands National Millenium
25 Trail;

1 (L) the Picatinny Arsenal, New Jersey;

2 (M) the Great Swamp National Wildlife
3 Refuge;

4 (N) the proposed Crossroads of the Revo-
5 lution National Heritage Area;

6 (O) the proposed Musconetcong National
7 Scenic and Recreational River in New Jersey;
8 and

9 (P) the Farmington River Wild and Scenic
10 Area in Connecticut;

11 (10) it is in the interest of the United States
12 to protect, conserve, restore, promote, and interpret
13 the resources of the Highlands region for the resi-
14 dents of, and visitors to, the Highlands region;

15 (11) the States of Connecticut, New Jersey,
16 New York, and Pennsylvania, and units of local gov-
17 ernment in the Highlands region have the primary
18 responsibility for protecting, conserving, preserving,
19 restoring and promoting the resources of the High-
20 lands region; and

21 (12) because of the longstanding Federal prac-
22 tice of assisting States in creating, protecting, con-
23 serving, preserving, restoring and interpreting areas
24 of significant natural and cultural importance, and
25 the national significance of the Highlands region,

1 the Federal Government should, in partnership with
2 the Highlands States and units of local government
3 in the Highlands region, protect, restore, promote,
4 preserve, and interpret the natural, agricultural, his-
5 torical, and cultural resources of the Highlands re-
6 gion.

7 **SEC. 3. PURPOSES.**

8 (a) PURPOSES.—The purposes of this Act are—

9 (1) to recognize the importance of the natural
10 resources and the heritage, history and national sig-
11 nificance of the Highlands region to the United
12 States;

13 (2) to assist the Highlands States, units of local
14 government, and private landowners in protecting,
15 restoring, preserving, interpreting, and promoting
16 the natural, agricultural, historical, cultural, and
17 recreational resources of the Highlands Stewardship
18 Area;

19 (3) to authorize the Secretary of Agriculture to
20 provide financial and technical assistance for
21 projects that will protect, restore, promote and inter-
22 pret the natural, agricultural, historic, cultural or
23 recreational resources of the Highlands region;

24 (4) to authorize the Secretary of Interior to
25 work in partnership with the Secretary of Agri-

1 culture and the Highlands States and to provide fi-
2 nancial assistance to the Highlands States to pre-
3 serve and protect high priority conservation lands in
4 the Highlands region;

5 (5) to coordinate with and assist the manage-
6 ment entities of the Hudson River Valley National
7 Heritage Area, the Wallkill National Wildlife Refuge
8 Area, the Morristown National Historic Area, and
9 other federally designated areas in the region in car-
10 rying out any duties relating to protecting the nat-
11 ural resources of the Highlands region.

12 (b) LACK OF EFFECT ON AUTHORITY OF GOVERN-
13 MENTS.—It is not the purpose of this Act and nothing
14 in this Act shall be construed to modify, enlarge, or dimin-
15 ish any authority of Federal, State or local governments
16 to regulate any use of land, to grant powers of zoning or
17 land use control to any entity established under this Act
18 or to authorize any such entity to interfere with the rights
19 of any person with respect to private property or with any
20 local zoning ordinance or land use plan of any local unit
21 of government in the Highlands Stewardship Area.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

24 (1) ELIGIBLE ENTITY.—The term “eligible enti-
25 ty” means any Highlands State, unit of local govern-

1 ment, public entity, private entity, or private land-
2 owner in the Stewardship Area.

3 (2) HIGHLANDS REGION.—The term “High-
4 lands region” means the region that encompasses
5 more than 2,000,000 acres extending from eastern
6 Pennsylvania through the States of New Jersey and
7 New York to northwestern Connecticut.

8 (3) HIGHLANDS STATE.—The term “Highlands
9 State” means—

10 (A) the State of Connecticut;

11 (B) the State of New Jersey;

12 (C) the State of New York;

13 (D) the State of Pennsylvania; and

14 (E) any agency or department of any
15 Highlands state, including the Palisades Inter-
16 state Park Commission, a duly authorized bi-
17 state entity in New York and New Jersey.

18 (4) NON-FEDERAL ENTITY.—The term “non-
19 Federal entity” means any Highlands state, or any
20 agency or department of any Highlands state with
21 authority to own and manage land for conservation
22 purpose, including the Palisades Interstate Park
23 Commission.

24 (5) LAND CONSERVATION PARTNERSHIP
25 PROJECT.—The term “land conservation partnership

1 project” means a project located in an area identi-
2 fied as having high conservation value in the U.S.
3 Forest Service Study or Update or a State open
4 space or greenway plan in which a non-Federal enti-
5 ty acquires land or an interest in land from a willing
6 seller for the purpose of permanently protecting,
7 conserving, or preserving the natural, forest, agricul-
8 tural, recreational, historical, or cultural resources of
9 the Stewardship Area.

10 (6) OFFICE.—The term “Office” means the Of-
11 fice of Highlands Stewardship established under sec-
12 tion 6(a).

13 (7) STEWARDSHIP AREA.—The term “Steward-
14 ship Area” means the Highlands Stewardship Area
15 established under section 5(a).

16 (8) STUDY.—The term “study” means the New
17 York-New Jersey Highlands Regional Study con-
18 ducted by the Forest Service in 1990.

19 (9) UPDATE.—The term “update” means the
20 New York-New Jersey Highlands Regional Study:
21 2002 Update conducted by the Forest Service.

22 (10) WORK GROUP.—The term “Work Group”
23 means the Highlands Stewardship Area Work Group
24 established under section 6(c).

1 **SEC. 5. ESTABLISHMENT OF HIGHLANDS STEWARDSHIP**
2 **AREA.**

3 (a) ESTABLISHMENT.—The Secretary of Agriculture
4 and the Secretary of the Interior shall establish the High-
5 lands Stewardship Area in the Highlands region.

6 (b) CONSULTATION AND RESOURCE ANALYSES.—In
7 establishing the Stewardship Area, the Secretary of Agri-
8 culture and the Secretary of the Interior shall—

9 (1) consult with appropriate officials of the
10 Federal Government, the Governors of the High-
11 lands States and other appropriate officials of the
12 Highlands States, and units of local government;
13 and

14 (2) utilize the study, the update, and relevant
15 State resource analyses.

16 (c) MAP.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary of
19 Agriculture and the Secretary of the Interior shall
20 prepare a map depicting the Stewardship Area.

21 (2) AVAILABILITY.—The map shall be on file
22 and available for public inspection at the appropriate
23 offices of the Secretary of Agriculture and the Sec-
24 retary of the Interior.

1 **SEC. 6. OFFICE OF HIGHLANDS STEWARDSHIP AND WORK**
2 **GROUP.**

3 (a) ESTABLISHMENT.—The Secretary of Agriculture,
4 in consultation with the Under Secretary of Agriculture
5 for Natural Resources and Environment, the Chief of the
6 Natural Resources Conservation Service, and the Chief of
7 the Forest Service, shall establish within the Department
8 of Agriculture the Office of Highlands Stewardship.

9 (b) DUTIES.—

10 (1) ADVISORY DUTIES.—shall advise the Gov-
11 ernors of the Highlands States, the Secretary of Ag-
12 riculture, and the Secretary of Interior on priorities
13 for—

14 (A) projects carried out with financial or
15 technical assistance under this section;

16 (B) land conservation partnership projects
17 carried out under section 7;

18 (C) research relating to the Highlands re-
19 gions; and

20 (D) policy and educational initiatives nec-
21 essary to implement the findings of the study
22 and update.

23 (2) IMPLEMENTATION DUTIES.—The Office
24 shall implement in the Stewardship Area—

25 (A) the strategies of the study and update;
26 and

1 (B) in consultation with the Highlands
2 States, other studies consistent with the pur-
3 poses of this Act.

4 (c) HIGHLANDS STEWARDSHIP AREA WORK
5 GROUP.—

6 (1) ESTABLISHMENT.—The Secretary of Agri-
7 culture shall establish an advisory committee to be
8 known as the “Highlands Stewardship Area Work
9 Group” to assist the Office in implementing the
10 strategies of the study and update referred to in
11 subsection (b).

12 (2) MEMBERSHIP.—The Work Group shall be
13 comprised of members that represent various public
14 and private interests throughout the Stewardship
15 Area, including private landowners, and representa-
16 tives of private land trusts, conservation groups,
17 drinking water purveyors, academic institutions, and
18 local governments, to be appointed by the Secretary
19 of Agriculture, in consultation with the Governors of
20 the Highlands States.

21 (3) DUTIES.—The Work Group shall advise the
22 Office, the Secretary of Agriculture, and the Sec-
23 retary of the Interior on priorities for—

24 (A) projects carried out with financial or
25 technical assistance under this section;

1 (B) land conservation partnership projects
2 carried out under section 7;

3 (C) research relating to the Highlands re-
4 gion; and

5 (D) policy and educational initiatives nec-
6 essary to implement the findings of the study
7 and update.

8 (d) FINANCIAL AND TECHNICAL ASSISTANCE.—

9 (1) IN GENERAL.—The Office may provide fi-
10 nancial and technical assistance to an eligible entity
11 to carry out a project consistent with the steward-
12 ship goals and conservation strategies articulated in
13 the study and update to protect, restore, preserve,
14 promote, or interpret the natural, agricultural, his-
15 torical, cultural, or recreational resources of the
16 Stewardship Area.

17 (2) PRIORITY.—In determining the priority for
18 financial and technical assistance under paragraph
19 (1), the Office shall consider the recommendations of
20 the study and update.

21 (3) CONDITIONS.—

22 (A) IN GENERAL.—The provision of finan-
23 cial assistance under this subsection shall be
24 subject to the condition that the eligible entity
25 enter into an agreement with the Office that

1 provides that if the eligible entity converts,
2 uses, or disposes of the project for a purpose in-
3 consistent with the purpose for which the finan-
4 cial assistance was provided, as determined by
5 the Office, the United States shall be entitled to
6 reimbursement from the eligible entity in an
7 amount that is, as determined at the time of
8 conversion, use, or disposal, the greater of—

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

12 (ii) the amount by which the financial
13 assistance has increased the value of the
14 land on which the project is carried out.

15 (B) COST-SHARING REQUIREMENT.—The
16 Federal share of the cost of carrying out a
17 project under this subsection shall not exceed
18 50 percent of the total cost of the project.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary of Agri-
21 culture to carry out this section \$2,000,000 for each of
22 fiscal years 2004 through 2013, to remain available until
23 expended.

1 **SEC. 7. LAND CONSERVATION PARTNERSHIP PROJECTS.**

2 (a) IN GENERAL.—Annually, the Governors of the
3 Highlands States, with input from pertinent units of local
4 government, the public, the Office, and Work Group shall
5 jointly identify land conservation projects that shall be
6 proposed for federal financial assistance and submit them
7 to the Secretary of the Interior.

8 (b) THE SECRETARY OF INTERIOR.—The Secretary
9 of the Interior, in consultation with the Secretary of Agri-
10 culture, the Office, the Work Group, and the Governors
11 of the Highlands States, shall annually designate land
12 conservation partnership projects that are eligible to re-
13 ceive financial assistance under this section.

14 (c) CONDITIONS.—

15 (1) IN GENERAL.—To be eligible for financial
16 assistance under subsection (a), a non-Federal entity
17 shall enter into an agreement with the Secretary of
18 the Interior that—

19 (A) identifies—

20 (i) the non-Federal entity that will
21 own or hold and manage the land or inter-
22 est in land; and

23 (ii) the source of funds to provide the
24 non-Federal share under paragraph (2);

25 (B) describes the management objectives
26 for the land in question that will assure perma-

1 nent protection and use of the land for the pur-
2 pose for which the assistance was provided, as
3 required by section 4(5);

4 (C) provides that if the non-Federal entity
5 converts, uses, or disposes of the project for a
6 purpose inconsistent with the purpose for which
7 the assistance was provided, as determined by
8 the Secretary of the Interior, the United States
9 shall be authorized to seek specific performance
10 of the conditions of financial assistance in ac-
11 cordance with subsection (b) in Federal court
12 and shall be entitled to reimbursement from the
13 non-Federal entity in an amount that is, as de-
14 termined at the time of conversion, use, or dis-
15 posal, the greater of—

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

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

22 (D) provides that use of the financial as-
23 sistance will be consistent with—

24 (i) the open space plan or greenway
25 plan of the Highlands State in which the

1 land conservation partnership project is
2 being carried out; and

3 (ii) the findings and recommendations
4 of the study and update.

5 (2) COST-SHARING REQUIREMENT.—The Fed-
6 eral share of the cost of carrying out a land con-
7 servation partnership project under this subsection
8 shall not exceed 50 percent of the total cost of the
9 land conservation partnership project.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary of the Inte-
12 rior from the general funds of the Treasury or the Land
13 and Water Conservation Fund to carry out this section
14 \$25,000,000 for each of fiscal years 2004 through 2013,
15 to remain available until expended.

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