

110TH CONGRESS
2D SESSION

H. R. 5820

To authorize the Forest Service to provide financial assistance to States for the acquisition of land to preserve and maintain such land for traditional use by the public, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2008

Mr. ALLEN (for himself and Mr. MICHAUD) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To authorize the Forest Service to provide financial assistance to States for the acquisition of land to preserve and maintain such land for traditional use by the public, 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 “Traditional Use Pro-
5 tection Act of 2008”.

1 **SEC. 2. SUPPORT FOR THE TRADITIONAL USE OF LANDS.**

2 (a) GRANTS.—The Chief of the Forest Service shall
3 establish a program to award grants, on a competitive
4 basis, to States for the purpose of allowing such States—

5 (1) to acquire the rights to land to make such
6 land available to the public for traditional use; and

7 (2) to make subgrants to an entity to allow
8 such entity to acquire the rights to land to make
9 such land available to the public for traditional use.

10 (b) REQUIREMENTS FOR USE OF FUNDS.—

11 (1) IN GENERAL.—A State shall use the funds
12 received under this section only—

13 (A) to purchase land, acquire an easement,
14 or take other actions to acquire rights to land,
15 as long as such purchase, acquisition, or other
16 action results in the State holding rights to the
17 land in perpetuity; and

18 (B) to make a subgrant to an entity to
19 allow such entity to purchase land, acquire an
20 easement, or take other actions to acquire
21 rights to land, as long as such purchase, acqui-
22 sition, or other action results in the entity hold-
23 ing rights to the land in perpetuity.

24 (2) WILLING SELLERS.—A State or entity may
25 only use funds received through a grant or subgrant

1 under subsection (a) to acquire rights to land from
2 a willing seller.

3 (3) EMINENT DOMAIN PROHIBITED.—A State
4 may not use funds received through a grant under
5 subsection (a) to acquire land through eminent do-
6 main.

7 (c) ACCESS.—A State or entity shall make any land
8 purchased, acquired, or otherwise obtained using funds re-
9 ceived through a grant or subgrant under subsection (a)
10 available to the public for appropriate traditional use, as
11 determined by the State.

12 (d) APPLICATION.—

13 (1) IN GENERAL.—To be considered for a grant
14 under this section, a State shall submit to the Chief
15 an application at such time and in such manner as
16 the Chief may require.

17 (2) CONTENTS.—The application shall include
18 the following:

19 (A) Information demonstrating the com-
20 mitment of the State to stewardship and main-
21 tenance of land currently held by the State for
22 traditional and recreational use (including park
23 land).

24 (B) Certification by the State that the
25 State maintains a landowner relations program.

1 (C) A copy of the comprehensive State
2 plan.

3 (D) Such information as the Chief may re-
4 quire.

5 (e) COST SHARING.—The amount of any grant under
6 this section may not exceed 75 percent of the total cost
7 of the land rights acquired with the grant.

8 (f) PUBLICATION OF CRITERIA.—Not later than 60
9 days after the date of enactment of this Act, the Chief
10 shall publish criteria for making grants under subsection
11 (a) in the Federal Register.

12 (g) REPORT.—Not later than one year after the date
13 of enactment of this Act, and annually thereafter, the
14 Chief shall submit to Congress a report on the grant pro-
15 gram established under subsection (a).

16 (h) DEFINITIONS.—For purposes of this section:

17 (1) CHIEF.—The term “Chief” means the Chief
18 of the Forest Service.

19 (2) COMPREHENSIVE STATE PLAN.—The term
20 “comprehensive State plan” means a comprehensive
21 plan developed by the State, regarding recreational
22 access to and conservation of land in the State,
23 that—

1 (A) is developed through a process that in-
2 volves interested persons from both the public
3 and private sectors, including landowners; and

4 (B) includes strategies for developing part-
5 nerships between the public and private sectors
6 to develop, improve, and preserve traditional
7 recreational opportunities.

8 (3) LANDOWNER RELATIONS PROGRAM.—The
9 term “landowner relations program” means a pro-
10 gram established by the State that—

11 (A) engages private landowners to facili-
12 tate public access to their property for tradi-
13 tional use;

14 (B) addresses the concerns of landowners
15 relating to public access to private land; and

16 (C) serves as a clearinghouse for informa-
17 tion about rules, regulations, certifications, and
18 procedures for land use.

19 (4) PROGRAM.—The term “program” means
20 the grant program established under subsection (a).

21 (5) TRADITIONAL USE.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), the term “traditional use”
24 has the meaning given that term by the State
25 receiving a grant under subsection (a). Such

1 term may include hunting, fishing, access to
2 water, motorized recreation, hiking, bird watch-
3 ing, and non-motorized recreational activities.

4 (B) EXCLUSION.—The term “traditional
5 use” does not include residential or commercial
6 development.

7 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to the Chief
9 to carry out this Act, \$50,000,000 for each fiscal year
10 from 2009 through 2013.

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