

105TH CONGRESS
1ST SESSION

S. 1372

To provide for the protection of farmland at the Point Reyes National Seashore, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1997

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the protection of farmland at the Point Reyes National Seashore, 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 “Point Reyes National
5 Seashore Farmland Protection Act of 1997”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to protect the pastoral nature of the land
9 adjacent to the Point Reyes National Seashore from
10 development that would be incompatible with the

1 character, integrity, and visitor experience of the
2 park;

3 (2) to create a model public/private partnership
4 among the Federal, State, and local governments,
5 and as organizations and citizens that will preserve
6 and enhance the agricultural land along Tomales
7 and Bodega Bay Watersheds;

8 (3) to protect the substantial Federal invest-
9 ment in Point Reyes National Seashore by protect-
10 ing land and water resources and maintaining the
11 relatively undeveloped nature of the land surround-
12 ing Tomales and Bodega Bays; and

13 (4) to preserve productive uses of land and wa-
14 ters in Marin and Sonoma counties adjacent to
15 Point Reyes National Seashore, primarily by main-
16 taining the land in private ownership restricted by
17 conservation easements.

18 **SEC. 3. ADDITION OF FARMLAND PROTECTION AREA TO**
19 **POINT REYES NATIONAL SEASHORE AND AC-**
20 **QUISITION OF DEVELOPMENT RIGHTS.**

21 (a) ADDITION.—Section 2 of Public Law 87–657 (16
22 U.S.C. 459c–1) is amended by adding at the end the fol-
23 lowing:

24 “(c) FARMLAND PROTECTION AREA.—

1 “(1) IN GENERAL.—The Point Reyes National
2 Seashore shall include the Farmland Protection Area
3 depicted on the map numbered 612/60,163 and
4 dated July 1995, which shall be on file and available
5 for public inspection in the Offices of the National
6 Park Service of the Department of the Interior in
7 Washington, District of Columbia.

8 “(2) OBJECTIVE.—Within the Farmland Pro-
9 tection Area depicted on the map described in para-
10 graph (1), the primary objective shall be to maintain
11 agricultural land in private ownership protected
12 from nonagricultural development by conservation
13 easements.”.

14 (b) FARMLAND ACQUISITION AND MANAGEMENT.—
15 Section 3 of Public Law 97–657 (16 U.S.C. 459c–2) is
16 amended by adding at the end the following:

17 “(d) FARMLAND ACQUISITION AND MANAGEMENT.—

18 “(1) IN GENERAL.—Notwithstanding sub-
19 sections (a) through (c), the Secretary, to encourage
20 continued agricultural use, may acquire land or in-
21 terests in land from the owners of the land within
22 the Farmland Protection Area depicted on the map
23 described in section 2(c).

24 “(2) METHOD OF ACQUISITION.—

“(A) IN GENERAL.—Except as provided in paragraph (4), land and interests in land may be acquired under this subsection only by donation, purchase with donated or appropriated funds, or exchange.

“(B) LAND ACQUIRED BY EXCHANGE.—Land acquired under this subsection by exchange may be exchanged for land outside the State of California, notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

“(3) REQUIREMENTS.—

“(A) PRIORITY.—The Secretary shall give priority to—

“(i) acquiring interests in land through the purchase of development rights and conservation easements;

“(ii) acquiring land and interests in land from nonprofit corporations operating primarily for conservation purposes; and

“(iii) acquiring land and interests in land by donation or exchange.

“(B) CONSERVATION EASEMENTS.—The Secretary shall not acquire any conservation easement on land within the Farmland Protec-

tion Area from a nonprofit organization that was acquired by the nonprofit organizations before January 1, 1997.

“(C) COOPERATIVE AGREEMENTS.—For the purpose of managing, in the most cost-effective manner, interests in land acquired under this subsection, and for the purpose of maintaining continuity with land that has an easement on the date of enactment of this subsection, the Secretary shall enter into cooperative agreements with public agencies or nonprofit organizations having substantial experience holding, monitoring, and managing conservation easements on agricultural land in the region, such as the Marin Agricultural Land Trust, the Sonoma County Agricultural Preservation and Open Space District, and the Sonoma Land Trust.

“(4) REGULATION.—

“(A) IN GENERAL.—Within the boundaries of the Farmland Protection Area depicted on the map described in section 2(c)—

“(i) absent an acquisition of privately owned land or an interest in land by the United States, nothing in this Act author-

izes any Federal agency or official to regulate the use or enjoyment of privately owned land, including land that, on the date of enactment of this subsection, is subject to an easement held by the Marin Agricultural Land Trust, the Sonoma County Agricultural Preservation and Open Space District, or the Sonoma Land Trust; and

“(ii) such privately owned land shall continue under the jurisdiction of the State and political subdivisions within which the land is located.

“(B) PERMITS AND LEASES.—

“(i) IN GENERAL.—The Secretary may permit **[What does this mean?]**, or lease, land acquired in fee under this subsection.

“(ii) CONSISTENCY.—Any such permit or lease shall be consistent with the purposes of the Point Reyes National Seashore Farmland Protection Act of 1997.

“(iii) USE OF REVENUES.—Notwithstanding any other provision of law, reve-

1 nues derived from any such permit or
2 lease—

3 “(I) may be retained by the Sec-
4 retary; and

5 “(II) shall be available, without
6 further appropriation, for expenditure
7 to further the goals and objectives of
8 agricultural preservation within the
9 boundaries of the area depicted on the
10 map described to in section 2(c).

11 “(C) LAND OF STATE AND LOCAL GOVERN-
12 MENTS.—Land or an interest in land, within
13 the area depicted on the map described in sec-
14 tion 2(c) that is owned by the State of Califor-
15 nia or a political subdivision of the State of
16 California, may be acquired only by donation or
17 exchange.

18 “(5) OWNER’S RESERVATION OF RIGHT.—Sec-
19 tion 5 shall not apply with respect to land and or
20 an interest in land acquired under this subsection.”.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
22 9 of Public Law 87–657 (16 U.S.C. 459c–7) is amended—

23 (1) by inserting “(a) IN GENERAL.—” before
24 “‘There are authorized’”; and

25 (2) by adding at the end the following:

1 “(b) LAND ACQUISITION.—

2 “(1) IN GENERAL.—In addition to the sums au-
 3 thorized to be appropriated by this section before the
 4 enactment of the Point Reyes National Seashore
 5 Farmland Protection Act of 1997, there is author-
 6 ized to be appropriated \$30,000,000 to be used on
 7 a matching basis to acquire land and interests in
 8 land under section 3(d).

9 “(2) FEDERAL SHARE.—The Federal share of
 10 the costs for acquiring land and interests in land
 11 under section 3(d) shall be 50 percent of the total
 12 costs of the acquisition.

13 “(3) NON-FEDERAL SHARE.—

14 “(A) FORM.—The non-Federal share of
 15 the acquisition costs may be paid in the form
 16 of property, moneys, services, or in-kind con-
 17 tributions, fairly valued.

18 “(B) LAND OF STATE AND LOCAL GOV-
 19 ERNMENTS.—For the purpose of determining
 20 the non-Federal share of the costs, any land or
 21 interests in land that is within the boundaries
 22 of the area depicted on the map described in
 23 section 2(c), that, on the date of enactment of
 24 this subsection, is held under a conservation
 25 easement by the Marin Agricultural Land

1 Trust, the Sonoma County Agricultural Preser-
2 vation and Open Space District, the Sonoma
3 Land Trust, or any other land protection agen-
4 cy or by the State of California or any political
5 subdivision of the State, shall be considered to
6 be a matching contribution from non-Federal
7 sources in an amount that is equal to the fair
8 market value of the land or interests in land, as
9 determined by the Secretary.”.

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