

107TH CONGRESS  
2D SESSION

# H. R. 5146

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2002

Mr. GILMAN (for himself, Mrs. ROUKEMA, Mr. FRELINGHUYSEN, Mrs. KELLY, Mrs. JOHNSON of Connecticut, Mr. HOLT, Mr. WALSH, Mrs. MCCARTHY of New York, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Resources

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## 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 of 2002”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the Highlands region is a geographic area  
9       that encompasses more than 2,000,000 acres extend-

1 ing from eastern Pennsylvania through the States of  
2 New Jersey and New York to northwestern Con-  
3 necticut;

4 (2) the Highlands region is an environmentally  
5 unique and economically important area that—

6 (A) provides clean drinking water to over  
7 11,000,000 people in metropolitan areas in the  
8 States of Connecticut, New Jersey, New York,  
9 and Pennsylvania;

10 (B) provides critical wildlife habitat, in-  
11 cluding habitat for threatened and endangered  
12 species;

13 (C) maintains an important historic con-  
14 nection to early Native American culture, colo-  
15 nial settlement, the American Revolution, and  
16 the Civil War;

17 (D) contains—

18 (i) recreational resources; and

19 (ii) cultural and multicultural land-  
20 scapes relating to the development of com-  
21 merce, transportation, the maritime indus-  
22 try, agriculture, and industry in the High-  
23 lands region; and

1 (E) provides other significant ecological,  
2 natural, tourism, recreational, educational, and  
3 economic benefits;

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

7 (4) more than 1,000,000 residents live in the  
8 Highlands region;

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

17 (6) continued population growth and land use  
18 patterns in the Highlands region—

19 (A) reduce the availability and quality of  
20 water;

21 (B) reduce air quality;

22 (C) fragment the forests;

23 (D) destroy critical migration corridors  
24 and forest habitat; and

1 (E) result in the loss of recreational oppor-  
2 tunities and scenic, historic, and cultural re-  
3 sources;

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

9 (8) the national significance of the Highlands  
10 region has been documented in—

11 (A) the Highlands Regional Study con-  
12 ducted by the Forest Service in 1990;

13 (B) the New York-New Jersey Highlands  
14 Regional Assessment Update conducted by the  
15 Forest Service in 2001;

16 (C) the bi-State Skylands Greenway Task  
17 Force Report;

18 (D) the New Jersey State Development  
19 and Redevelopment Plan;

20 (E) the New York State Open Space Con-  
21 servation Plan;

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

24 (G) the open space plans of the State of  
25 Pennsylvania; and

1 (H) other open space conservation plans  
2 for States in the Highlands region;

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

8 (A) the Wallkill River National Wildlife  
9 Refuge;

10 (B) the Shawanagunk Grasslands Wildlife  
11 Refuge;

12 (C) the Morristown National Historical  
13 Park;

14 (D) the Delaware and Lehigh Canal Cor-  
15 ridors;

16 (E) the Hudson River Valley National  
17 Heritage Area;

18 (F) the Delaware River Basin;

19 (G) the Delaware Water Gap National  
20 Recreation Area;

21 (H) the Upper Delaware Scenic and Rec-  
22 reational River;

23 (I) the Appalachian National Scenic Trail;  
24 and

1 (J) the United States Military Academy at  
2 West Point, New York;

3 (10) it is in the interest of the United States  
4 to protect, conserve, restore, promote, and interpret  
5 the resources of the Highlands region for the resi-  
6 dents of, and visitors to, the Highlands region;

7 (11) the States of Connecticut, New Jersey,  
8 New York, and Pennsylvania, regional entities, and  
9 units of local government in the Highlands region  
10 have the primary responsibility for protecting, con-  
11 serving, preserving, and promoting the resources of  
12 the Highlands region; and

13 (12) because of the longstanding Federal prac-  
14 tice of assisting States in creating, protecting, con-  
15 serving, preserving, and interpreting areas of signifi-  
16 cant natural, economic, and cultural importance, and  
17 the national significance of the Highlands region,  
18 the Federal Government should, in partnership with  
19 the Highlands States, regional entities, and units of  
20 local government in the Highlands region, protect,  
21 restore, promote, preserve, and interpret the natural,  
22 agricultural, historical, cultural, and economic re-  
23 sources of the Highlands region.

24 **SEC. 3. PURPOSES.**

25 The purposes of this Act are—

1           (1) to recognize the importance of the natural  
2           resources and the heritage, history, economy, and  
3           national significance of the Highlands region to the  
4           United States;

5           (2) to assist the Highlands States, regional en-  
6           tities, and units of local government, public and pri-  
7           vate entities, and individuals in protecting, restoring,  
8           preserving, interpreting, and promoting the natural,  
9           agricultural, historical, cultural, recreational, and  
10          economic resources of the Highlands Stewardship  
11          Area;

12          (3) to authorize the Secretary of Agriculture  
13          and the Secretary of the Interior to provide financial  
14          and technical assistance for the protection, conserva-  
15          tion, preservation, and sustainable management of  
16          forests, land, and water in the Highlands region, in-  
17          cluding assistance for—

18                (A) voluntary programs to promote and  
19                support private landowners in carrying out for-  
20                est land and open space retention and sustain-  
21                able management practices; and

22                (B) forest-based economic development  
23                projects that support sustainable management  
24                and retention of forest land in the Highlands  
25                region;

1           (4) to provide financial and technical assistance  
2           to the Highlands States, regional entities, and units  
3           of local government, and public and private entities  
4           for planning and carrying out conservation, edu-  
5           cation, and recreational programs and sustainable  
6           economic projects in the Highlands region; and

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

13 **SEC. 4. DEFINITIONS.**

14          In this Act:

15           (1) **ELIGIBLE ENTITY.**—The term “eligible enti-  
16           ty” means any agricultural producer, regional entity,  
17           unit of local government, public entity, private enti-  
18           ty, or other private landowner in the Stewardship  
19           Area.

20           (2) **HIGHLANDS REGION.**—The term “High-  
21           lands region” means the region that encompasses  
22           nearly 2,000,000 acres extending from eastern  
23           Pennsylvania through the States of New Jersey and  
24           New York to northwestern Connecticut.



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

3                   (A) the State of Connecticut;

4                   (B) the State of New Jersey;

5                   (C) the State of New York; and

6                   (D) the State of Pennsylvania.

7           (4) LAND CONSERVATION PARTNERSHIP  
8 PROJECT.—The term “land conservation partnership  
9 project” means a project in which a non-Federal en-  
10 tity acquires land or an interest in land from a will-  
11 ing seller for the purpose of protecting, conserving,  
12 or preserving the natural, forest, agricultural, rec-  
13 reational, historical, or cultural resources of the  
14 Stewardship Area.

15           (5) OFFICE.—The term “Office” means the Of-  
16 fice of Highlands Stewardship established under sec-  
17 tion 6(a).

18           (6) SECRETARY.—The term “Secretary” means  
19 the Secretary of Agriculture.

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

23           (8) STUDY.—The term “study” means the  
24 Highlands Regional Study conducted by the Forest  
25 Service in 1990.

1           (9) UPDATE.—The term “update” means the  
2       New York-New Jersey Highlands Regional Assess-  
3       ment Update conducted by the Forest Service in  
4       2001.

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

8   **SEC. 5. ESTABLISHMENT OF HIGHLANDS STEWARDSHIP**  
9           **AREA.**

10       (a) ESTABLISHMENT.—The Secretary and the Sec-  
11      retary of the Interior shall establish the Highlands Stew-  
12      ardship Area in the Highlands region.

13       (b) CONSULTATION AND RESOURCE ANALYSES.—In  
14      establishing the Stewardship Area, the Secretary and the  
15      Secretary of the Interior shall—

16           (1) consult with appropriate officials of the  
17      Federal Government, Highlands States, regional en-  
18      tities, and units of local government; and

19           (2) utilize the study, the update, and relevant  
20      State resource analyses.

21       (c) MAP.—

22           (1) IN GENERAL.—Not later than 1 year after  
23      the date of enactment of this Act, the Secretary and  
24      the Secretary of the Interior shall prepare a map de-  
25      picting the Stewardship Area.

1           (2) AVAILABILITY.—The map shall be on file  
2           and available for public inspection at the appropriate  
3           offices of the Secretary and the Secretary of the In-  
4           terior.

5 **SEC. 6. OFFICE OF HIGHLANDS STEWARDSHIP.**

6           (a) ESTABLISHMENT.—The Secretary, in consulta-  
7           tion with the Under Secretary of Agriculture for Natural  
8           Resources and Environment, the Chief of the Natural Re-  
9           sources Conservation Service, the Administrator of the  
10          Farm Service Agency, the Chief of the Forest Service, and  
11          the Under Secretary for Rural Development, shall estab-  
12          lish within the Department of Agriculture the Office of  
13          Highlands Stewardship.

14          (b) DUTIES.—The Office shall implement in the  
15          Stewardship Area—

16                (1) the strategies of the study and update; and

17                (2) in consultation with the Highlands States,  
18          other studies consistent with the purposes of this  
19          Act.

20          (c) HIGHLANDS STEWARDSHIP AREA WORK  
21          GROUP.—

22                (1) ESTABLISHMENT.—The Secretary shall es-  
23          tablish an advisory committee to be known as the  
24          “Highlands Stewardship Area Work Group” to as-

1       sist the Office in implementing the strategies of the  
2       studies and update referred to in subsection (b).

3           (2) MEMBERSHIP.—The Work Group shall be  
4       comprised of members that represent various public  
5       and private interests throughout the Stewardship  
6       Area, including private landowners and representa-  
7       tives of private conservation groups, academic insti-  
8       tutions, local governments, and economic interests,  
9       to be appointed by the Secretary, in consultation  
10      with the Governors of the Highlands States.

11          (3) DUTIES.—The Work Group shall advise the  
12      Office, the Secretary, and the Secretary of the Inte-  
13      rior on priorities 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      gion; and

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

23      (d) FINANCIAL AND TECHNICAL ASSISTANCE.—

24          (1) IN GENERAL.—The Office may provide fi-  
25      nancial and technical assistance to an eligible entity

1 to carry out a project to protect, restore, preserve,  
2 promote, or interpret the natural, agricultural, his-  
3 torical, cultural, recreational, or economic resources  
4 of the Stewardship Area.

5 (2) PRIORITY.—In determining the priority for  
6 financial and technical assistance under paragraph  
7 (1), the Office shall consider the recommendations of  
8 the study and update.

9 (3) CONDITIONS.—

10 (A) IN GENERAL.—The provision of finan-  
11 cial assistance under this subsection shall be  
12 subject to the condition that the eligible entity  
13 enter into an agreement with the Office that  
14 provides that if the eligible entity converts,  
15 uses, or disposes of the project for a purpose in-  
16 consistent with the purpose for which the finan-  
17 cial assistance was provided, as determined by  
18 the Office, the United States shall be entitled to  
19 reimbursement from the eligible entity in an  
20 amount that is, as determined at the time of  
21 conversion, use, or disposal, the greater of—

22 (i) the total amount of the financial  
23 assistance provided for the project by the  
24 Federal Government under this section; or

1 (ii) the amount by which the financial  
2 assistance has increased the value of the  
3 land on which the project is carried out.

4 (B) COST-SHARING REQUIREMENT.—The  
5 Federal share of the cost of carrying out a  
6 project under this subsection shall not exceed  
7 50 percent of the total cost of the project.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to the Secretary to carry  
10 out this section \$7,000,000 for each of fiscal years 2004  
11 through 2010, to remain available until expended.

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

13 (a) IN GENERAL.—The Secretary of the Interior, in  
14 consultation with the Secretary, the Office, and the Gov-  
15 ernors of the Highlands States, shall annually designate  
16 land conservation partnership projects that are eligible to  
17 receive financial assistance under this section.

18 (b) CONDITIONS.—

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

23 (A) identifies—

1 (i) the non-Federal entity that will  
2 own or hold the land or interest in land;  
3 and

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

6 (B) provides that if the non-Federal entity  
7 converts, uses, or disposes of the project for a  
8 purpose inconsistent with the purpose for which  
9 the assistance was provided, as determined by  
10 the Secretary of the Interior, the United States  
11 shall be entitled to reimbursement from the  
12 non-Federal entity in an amount that is, as de-  
13 termined at the time of conversion, use, or dis-  
14 posal, the greater of—

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

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

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

23 (i) the open space plan or other plan  
24 of the Highlands State in which the land

1 conservation partnership project is being  
2 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 (c) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There is authorized to be  
12 appropriated to the Secretary of the Interior from  
13 the Treasury or the Land and Water Conservation  
14 Fund to carry out this section \$25,000,000 for each  
15 of fiscal years 2004 through 2013, to remain avail-  
16 able until expended.

17 (2) USE OF LAND AND WATER CONSERVATION  
18 FUND.—Appropriations from the Land and Water  
19 Conservation Fund under paragraph (1) shall be  
20 considered to be for Federal purposes under section  
21 5 of the Land and Water Conservation Fund Act of  
22 1965 (16 U.S.C. 460l–7).

○