

108TH CONGRESS
1ST SESSION

S. 999

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

IN THE SENATE OF THE UNITED STATES

MAY 6, 2003

Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SPECTER, Mr. SCHUMER, Mr. DODD, Mrs. CLINTON, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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”.

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 area that—

6 (A) provides clean drinking water to over
7 15,000,000 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 247 threatened and endan-
12 gered 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 recreational resources for
18 14,000,000 visitors annually; and

19 (E) provides other significant ecological,
20 natural, tourism, recreational, educational, and
21 economic benefits;

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

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

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

11 (6) continued population growth and land use
12 patterns in the Highlands region—

13 (A) reduce the availability and quality of
14 water;

15 (B) reduce air quality;

16 (C) fragment the forests;

17 (D) destroy critical migration corridors
18 and forest habitat; and

19 (E) result in the loss of recreational oppor-
20 tunities and scenic, historic, and cultural re-
21 sources;

22 (7) the natural, agricultural, and cultural re-
23 sources of the Highlands region, in combination with
24 the proximity of the Highlands region to the largest

1 metropolitan areas in the United States, make the
2 Highlands region nationally significant;

3 (8) the national significance of the Highlands
4 region has been documented in—

5 (A) the New York-New Jersey Highlands
6 Regional Study conducted by the Forest Service
7 in 1990;

8 (B) the New York-New Jersey Highlands
9 Regional Study: 2002 Update conducted by the
10 Forest Service;

11 (C) the bi-State Skylands Greenway Task
12 Force Report;

13 (D) the New Jersey State Development
14 and Redevelopment Plan;

15 (E) the New York State Open Space Con-
16 servation Plan;

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

19 (G) the open space plans of the State of
20 Pennsylvania; and

21 (H) other open space conservation plans
22 for States in the Highlands region;

23 (9) the Highlands region includes or is adjacent
24 to numerous parcels of land owned by the Federal
25 Government or federally designated areas that pro-

1 tect, conserve, restore, promote, or interpret re-
2 sources of the Highlands region, including—

3 (A) the Wallkill River National Wildlife
4 Refuge;

5 (B) the Shawanagunk Grasslands Wildlife
6 Refuge;

7 (C) the Morristown National Historical
8 Park;

9 (D) the Delaware and Lehigh Canal Cor-
10 ridors;

11 (E) the Hudson River Valley National
12 Heritage Area;

13 (F) the Delaware River Basin;

14 (G) the Delaware Water Gap National
15 Recreation Area;

16 (H) the Upper Delaware Scenic and Rec-
17 reational River;

18 (I) the Appalachian National Scenic Trail;

19 (J) the United States Military Academy at
20 West Point, New York;

21 (K) the Highlands National Millennium
22 Trail;

23 (L) the Picatinny Arsenal in the State of
24 New Jersey;

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

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

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

8 (P) the Farmington River Wild and Scenic
9 Area in the State of Connecticut;

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

14 (11) the States of Connecticut, New Jersey,
15 New York, and Pennsylvania, regional entities, and
16 units of local government in the Highlands region
17 have the primary responsibility for protecting, con-
18 serving, preserving, and promoting the resources of
19 the Highlands region; and

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

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

6 **SEC. 3. PURPOSES.**

7 The purposes of this Act are—

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

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

17 (3) to preserve and protect high priority con-
18 servation land in the Highlands region by author-
19 izing the Secretary of the Interior to—

20 (A) work in partnership with the Secretary
21 of Agriculture and the Highlands States; and

22 (B) provide financial and technical assist-
23 ance to the Highlands States;

24 (4) to authorize the Secretary of Agriculture to
25 provide financial and technical assistance for

1 projects that will protect, restore, promote, and in-
 2 terpret the natural, agricultural, historical, cultural,
 3 or recreational resources of the Highlands region;
 4 and

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

12 **SEC. 4. DEFINITIONS.**

13 In this Act:

14 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-
 15 ty” means any Highlands State, unit of local govern-
 16 ment, public entity, private entity, or private land-
 17 owner in the Stewardship Area.

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

23 (3) **HIGHLANDS STATE.**—The term “Highlands
 24 State” means—

25 (A) the State of Connecticut;

1 (B) the State of New Jersey;

2 (C) the State of New York;

3 (D) the State of Pennsylvania; and

4 (E) any agency or department of a State
5 specified in subparagraph (A), (B), (C), or (D)
6 that is authorized to own and manage land for
7 conservation purposes, including the Palisades
8 Interstate Park Commission.

9 (4) LAND CONSERVATION PARTNERSHIP
10 PROJECT.—The term “land conservation partnership
11 project” means a project in which a Highlands State
12 acquires from a willing seller land or an interest in
13 land that is located in an area identified in the study
14 or update as having a high conservation value for
15 the purpose of protecting, conserving, or preserving
16 the natural, forest, agricultural, recreational, histor-
17 ical, or cultural resources of the Stewardship Area.

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

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of Agriculture.

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

1 (8) STUDY.—The term “study” means the
2 Highlands Regional Study conducted by the Forest
3 Service in 1990.

4 (9) UPDATE.—The term “update” means the
5 New York-New Jersey Highlands Regional Assess-
6 ment Update conducted by the Forest Service in
7 2001.

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

11 **SEC. 5. ESTABLISHMENT OF HIGHLANDS STEWARDSHIP**
12 **AREA.**

13 (a) ESTABLISHMENT.—The Secretary and the Sec-
14 retary of the Interior shall establish the Highlands Stew-
15 ardship Area in the Highlands region.

16 (b) CONSULTATION AND RESOURCE ANALYSES.—In
17 establishing the Stewardship Area under subsection (a),
18 the Secretary and the Secretary of the Interior shall—

19 (1) consult with appropriate officials of the
20 Federal Government, the Governors and other ap-
21 propriate officials of the Highlands States, and units
22 of local government; and

23 (2) take into account the study, the update, and
24 any relevant State resource analyses.

25 (c) MAP.—

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

5 (2) AVAILABILITY.—The map shall be on file
6 and available for public inspection at the appropriate
7 offices of the Secretary and the Secretary of the In-
8 terior.

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

10 (a) ESTABLISHMENT.—The Secretary, in consulta-
11 tion with the Under Secretary of Agriculture for Natural
12 Resources and Environment, the Chief of the Natural Re-
13 sources Conservation Service, and the Chief of the Forest
14 Service, shall establish within the Department of Agri-
15 culture the Office of Highlands Stewardship.

16 (b) DUTIES.—The Office shall—

17 (1) advise the Secretary, the Secretary of the
18 Interior, and the Governors of the States specified in
19 subparagraphs (A) through (D) of section 4(3) on
20 priorities for—

21 (A) projects carried out with financial or
22 technical assistance under this section;

23 (B) land conservation partnership projects
24 carried out under section 7;

1 (C) research relating to the Highlands re-
 2 gion; and

3 (D) policy and educational initiatives nec-
 4 essary to implement the findings of the study
 5 and update; and

6 (2) implement in the Stewardship Area—

7 (A) the strategies of the study and update;
 8 and

9 (B) in consultation with the Highlands
 10 States, other studies consistent with the pur-
 11 poses of this Act.

12 (c) HIGHLANDS STEWARDSHIP AREA WORK
 13 GROUP.—

14 (1) ESTABLISHMENT.—The Secretary shall es-
 15 tablish an advisory committee to be known as the
 16 “Highlands Stewardship Area Work Group” to as-
 17 sist the Office in implementing the strategies of the
 18 studies and update referred to in subsection (b).

19 (2) MEMBERSHIP.—The Work Group shall be
 20 comprised of members that represent various public
 21 and private interests throughout the Stewardship
 22 Area, including private landowners and representa-
 23 tives of private land trusts, conservation groups, dis-
 24 tributors of drinking water, academic institutions,
 25 and units of local government, to be appointed by

1 the Secretary, in consultation with the Governors of
 2 the States specified in subparagraphs (A) through
 3 (D) of section 4(3).

4 (3) DUTIES.—The Work Group shall advise the
 5 Office, the Secretary, and the Secretary of the Inte-
 6 rior on the priorities described in subsection (b)(1).

7 (d) FINANCIAL AND TECHNICAL ASSISTANCE.—

8 (1) IN GENERAL.—The Office may provide fi-
 9 nancial and technical assistance to an eligible entity
 10 to carry out a project to protect, restore, preserve,
 11 promote, or interpret the natural, agricultural, his-
 12 torical, cultural, or recreational resources of the
 13 Stewardship Area.

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

18 (3) CONDITIONS.—

19 (A) IN GENERAL.—The provision of finan-
 20 cial assistance under this subsection shall be
 21 subject to the condition that the eligible entity
 22 enter into an agreement with the Office that
 23 provides that if the eligible entity converts,
 24 uses, or disposes of the project for a purpose in-
 25 consistent with the purpose for which the finan-

1 cial assistance was provided, as determined by
 2 the Office, the United States shall be entitled to
 3 reimbursement from the eligible entity in an
 4 amount that is, as determined at the time of
 5 conversion, use, or disposal, the greater of—

6 (i) the total amount of the financial
 7 assistance provided for the project by the
 8 Federal Government under this section; or

9 (ii) the amount by which the financial
 10 assistance has increased the value of the
 11 land on which the project is carried out.

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

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 17 authorized to be appropriated to the Secretary to carry
 18 out this section \$2,000,000 for each of fiscal years 2004
 19 through 2013, to remain available until expended.

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

21 (a) IN GENERAL.—The Secretary of the Interior, in
 22 consultation with units of local government, the Office, the
 23 Work Group, and the public, shall, from among proposed
 24 land conservation partnership projects submitted to the
 25 Secretary of the Interior by the Governors of the States

1 specified in subparagraphs (A) through (D) of section
 2 4(3), annually designate land conservation partnership
 3 projects that are eligible to receive financial assistance
 4 under this section.

5 (b) CONDITIONS.—

6 (1) IN GENERAL.—To be eligible for financial
 7 assistance for a project under subsection (a), a
 8 Highlands State shall enter into an agreement with
 9 the Secretary of the Interior that—

10 (A) identifies—

11 (i) the Highlands State that will own
 12 or hold the land or interest in land that is
 13 the subject of the project; and

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

16 (B) provides that the Highlands State
 17 shall permanently protect any land acquired as
 18 part of a land conservation partnership project;

19 (C) describes management objectives for
 20 the land that will ensure the permanent protec-
 21 tion and use of the land for the purpose for
 22 which the assistance was provided;

23 (D) provides that if the Highlands State
 24 converts, uses, or disposes of the project for a
 25 purpose inconsistent with the purpose for which

1 the assistance was provided, as determined by
2 the Secretary of the Interior, the United
3 States—

4 (i) may file a civil action in an appro-
5 priate district court of the United States
6 for specific performance of the conditions
7 on financial assistance; and

8 (ii) shall be entitled to reimbursement
9 from the Highlands State in an amount
10 that is, as determined at the time of con-
11 version, use, or disposal, the greater of—

12 (I) the total amount of the finan-
13 cial assistance provided for the project
14 by the Federal Government under this
15 section; or

16 (II) the amount by which the fi-
17 nancial assistance increased the value
18 of the land or interest in land that is
19 the subject of the project; and

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

22 (i) the open space plan or greenway
23 plan of the Highlands State in which the
24 land conservation partnership project is
25 being carried out; and

1 (ii) the findings and recommendations
2 of the study and update.

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

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

14 **SEC. 8. EFFECT.**

15 Nothing in this Act—

16 (1) modifies, enlarges, or diminishes any au-
17 thority of the Federal Government, or any State or
18 local government, to regulate any use of land;

19 (2) grants powers of zoning or land use control
20 to an entity established under this Act; or

21 (3) authorizes an entity established under this
22 Act to interfere with—

23 (A) the right of any person with respect to
24 private property; or

- 1 (B) any local zoning ordinance or land use
- 2 plan of any local unit of government in the
- 3 Stewardship Area.

○