

113TH CONGRESS
2D SESSION

H. R. 4551

To amend the Forest Legacy Program of the Cooperative Forestry Assistance Act of 1978 to authorize States to allow certain entities to acquire, hold, and manage conservation easements under the program.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2014

Mr. GIBSON (for himself and Mr. GARAMENDI) introduced the following bill;
which was referred to the Committee on Agriculture

A BILL

To amend the Forest Legacy Program of the Cooperative Forestry Assistance Act of 1978 to authorize States to allow certain entities to acquire, hold, and manage conservation easements under the program.

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 “Forest Legacy Man-
5 agement Flexibility Act”.

1 **SEC. 2. AUTHORITY OF STATES TO ALLOW QUALIFIED OR-**
2 **GANIZATIONS TO ACQUIRE, HOLD, AND MAN-**
3 **AGE CONSERVATION EASEMENTS UNDER**
4 **THE FOREST LEGACY PROGRAM.**

5 Section 7(l) of the Cooperative Forestry Assistance
6 Act of 1978 (16 U.S.C. 2103c) is amended by adding at
7 the end the following new paragraph:

8 “(4) STATE AUTHORIZATION.—

9 “(A) IN GENERAL.—At the request of a
10 State acting through the State Lead Agency,
11 the Secretary shall authorize the State to allow
12 qualified organizations, as defined in section
13 170(h)(3) of the Internal Revenue Code of
14 1986, and organized for one or more of the
15 purposes described in section 170(h)(4)(A) of
16 that Code, to acquire, hold, and manage con-
17 servation easements, using funds granted to the
18 State under this subsection, for purposes of the
19 Forest Legacy Program in the State.

20 “(B) ELIGIBILITY.—To be eligible to ac-
21 quire and manage conservation easements
22 under this paragraph, a qualified organization
23 described in subparagraph (A) must dem-
24 onstrate to the Secretary the abilities necessary
25 to acquire, monitor, and enforce interests in
26 forestland consistent with the Forest Legacy

1 Program and the assessment of need for the
2 State.

3 “(C) REVERSION.—If the Secretary, or a
4 State acting through the State Lead Agency,
5 makes any of the determinations described in
6 subparagraph (D) with respect to a conserva-
7 tion easement acquired by a qualified organiza-
8 tion under the authority of subparagraph (A)—

9 “(i) all right, title, and interest of the
10 qualified organization in and to the con-
11 servation easement shall terminate; and

12 “(ii) all right, title, and interest in
13 and to the conservation easement shall re-
14 vert to the State or other qualified des-
15 ignee as approved by the State.

16 “(D) DETERMINATIONS.—The determina-
17 tions required for operation of the reversionary
18 interest retained in subparagraph (C) are
19 that—

20 “(i) the qualified organization is un-
21 able to carry out its responsibilities under
22 the Forest Legacy Program in the State
23 with respect to the conservation easement;

24 “(ii) the conservation easement has
25 been modified in a way that is inconsistent

1 with the purposes of the Forest Legacy
2 Program or the assessment of need for the
3 State; or

4 “(iii) the conservation easement has
5 been conveyed to another person (other
6 than a qualified organization approved by
7 the State and the Secretary).”.

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