

108TH CONGRESS  
1ST SESSION

# H. R. 1964

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

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2003

Mr. FRELINGHUYSEN (for himself, Mrs. KELLY, Mr. ANDREWS, Mr. HOEFFEL, Mr. ISRAEL, Mr. GARRETT of New Jersey, Mrs. MALONEY, Mr. PALLONE, Mr. PAYNE, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. WALSH, Mr. BOEHLERT, Mr. FERGUSON, Mr. GREENWOOD, Mr. HOLT, Mrs. JOHNSON of Connecticut, Mr. LOBIONDO, Mr. MENENDEZ, Mr. PASCRELL, Mr. ROTHMAN, Mr. SAXTON, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Highlands region is a geographic area  
4 that encompasses more than 2,000,000 acres extend-  
5 ing from eastern Pennsylvania through the States of  
6 New Jersey and New York to northwestern Con-  
7 necticut;

8 (2) the Highlands region is an environmentally  
9 unique area that—

10 (A) provides clean drinking water to over  
11 15,000,000 people in metropolitan areas in the  
12 States of Connecticut, New Jersey, New York,  
13 and Pennsylvania;

14 (B) provides critical wildlife habitat, in-  
15 cluding habitat for 247 threatened and endan-  
16 gered species;

17 (C) maintains an important historic con-  
18 nection to early Native American culture, colo-  
19 nial settlement, the American Revolution, and  
20 the Civil War;

21 (D) contains recreational resources for 14  
22 million visitors annually; and

23 (E) provides other significant ecological,  
24 natural, tourism, recreational, educational, and  
25 economic benefits;

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

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

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

14           (6) continued population growth and land use  
15 patterns in the Highlands region—

16               (A) reduce the availability and quality of  
17 water;

18               (B) reduce air quality;

19               (C) fragment the forests;

20               (D) destroy critical migration corridors  
21 and forest habitat; and

22               (E) result in the loss of recreational oppor-  
23 tunities and scenic, historic, and cultural re-  
24 sources;

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

6           (8) the national significance of the Highlands  
7           region has been documented in—

8                   (A) the New York-New Jersey Highlands  
9                   Regional Study conducted by the Forest Service  
10                  in 1990;

11                  (B) the New York-New Jersey Highlands  
12                  Regional Study: 2002 Update conducted by the  
13                  Forest Service;

14                  (C) the bi-State Skylands Greenway Task  
15                  Force Report;

16                  (D) the New Jersey State Development  
17                  and Redevelopment Plan;

18                  (E) the New York State Open Space Con-  
19                  servation Plan;

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

22                  (G) the open space plans of the State of  
23                  Pennsylvania; and

24                  (H) other open space conservation plans  
25                  for States in the Highlands region;

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

6                   (A) the Wallkill River National Wildlife  
7           Refuge;

8                   (B) the Shawanagunk Grasslands Wildlife  
9           Refuge;

10                  (C) the Morristown National Historical  
11           Park;

12                  (D) the Delaware and Lehigh Canal Cor-  
13           ridors;

14                  (E) the Hudson River Valley National  
15           Heritage Area;

16                  (F) the Delaware River Basin;

17                  (G) the Delaware Water Gap National  
18           Recreation Area;

19                  (H) the Upper Delaware Scenic and Rec-  
20           reational River;

21                  (I) the Appalachian National Scenic Trail;

22                  (J) the United States Military Academy at  
23           West Point, New York;

24                  (K) the Highlands National Millenium  
25           Trail;

1 (L) the Picatinny Arsenal, New Jersey;

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

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

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

9 (P) the Farmington River Wild and Scenic  
10 Area in Connecticut;

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

15 (11) the States of Connecticut, New Jersey,  
16 New York, and Pennsylvania, and units of local gov-  
17 ernment in the Highlands region have the primary  
18 responsibility for protecting, conserving, preserving,  
19 restoring and promoting the resources of the High-  
20 lands region; and

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

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

7 **SEC. 3. PURPOSES.**

8 (a) PURPOSES.—The purposes of this Act are—

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

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

19 (3) to authorize the Secretary of Agriculture to  
20 provide financial and technical assistance for  
21 projects that will protect, restore, promote and inter-  
22 pret the natural, agricultural, historic, cultural or  
23 recreational resources of the Highlands region;

24 (4) to authorize the Secretary of Interior to  
25 work in partnership with the Secretary of Agri-

1 culture and the Highlands States and to provide fi-  
 2 nancial assistance to the Highlands States to pre-  
 3 serve and protect high priority conservation lands in  
 4 the Highlands region;

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

12 (b) LACK OF EFFECT ON AUTHORITY OF GOVERN-  
 13 MENTS.—It is not the purpose of this Act and nothing  
 14 in this Act shall be construed to modify, enlarge, or dimin-  
 15 ish any authority of Federal, State or local governments  
 16 to regulate any use of land, to grant powers of zoning or  
 17 land use control to any entity established under this Act  
 18 or to authorize any such entity to interfere with the rights  
 19 of any person with respect to private property or with any  
 20 local zoning ordinance or land use plan of any local unit  
 21 of government in the Highlands Stewardship Area.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

24 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
 25 ty” means any Highlands State, unit of local govern-



1       ment, public entity, private entity, or private land-  
2       owner in the Stewardship Area.

3           (2) HIGHLANDS REGION.—The term “High-  
4       lands region” means the region that encompasses  
5       more than 2,000,000 acres extending from eastern  
6       Pennsylvania through the States of New Jersey and  
7       New York to northwestern Connecticut.

8           (3) HIGHLANDS STATE.—The term “Highlands  
9       State” means—

10                (A) the State of Connecticut;

11                (B) the State of New Jersey;

12                (C) the State of New York;

13                (D) the State of Pennsylvania; and

14                (E) any agency or department of any  
15       Highlands state, including the Palisades Inter-  
16       state Park Commission, a duly authorized bi-  
17       state entity in New York and New Jersey.

18           (4) NON-FEDERAL ENTITY.—The term “non-  
19       Federal entity” means any Highlands state, or any  
20       agency or department of any Highlands state with  
21       authority to own and manage land for conservation  
22       purpose, including the Palisades Interstate Park  
23       Commission.

24           (5) LAND CONSERVATION PARTNERSHIP  
25       PROJECT.—The term “land conservation partnership

1 project” means a project located in an area identi-  
2 fied as having high conservation value in the U.S.  
3 Forest Service Study or Update or a State open  
4 space or greenway plan in which a non-Federal enti-  
5 ty acquires land or an interest in land from a willing  
6 seller for the purpose of permanently protecting,  
7 conserving, or preserving the natural, forest, agricul-  
8 tural, recreational, historical, or cultural resources of  
9 the Stewardship Area.

10 (6) OFFICE.—The term “Office” means the Of-  
11 fice of Highlands Stewardship established under sec-  
12 tion 6(a).

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

16 (8) STUDY.—The term “study” means the New  
17 York-New Jersey Highlands Regional Study con-  
18 ducted by the Forest Service in 1990.

19 (9) UPDATE.—The term “update” means the  
20 New York-New Jersey Highlands Regional Study:  
21 2002 Update conducted by the Forest Service.

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

1 **SEC. 5. ESTABLISHMENT OF HIGHLANDS STEWARDSHIP**  
2 **AREA.**

3 (a) ESTABLISHMENT.—The Secretary of Agriculture  
4 and the Secretary of the Interior shall establish the High-  
5 lands Stewardship Area in the Highlands region.

6 (b) CONSULTATION AND RESOURCE ANALYSES.—In  
7 establishing the Stewardship Area, the Secretary of Agri-  
8 culture and the Secretary of the Interior shall—

9 (1) consult with appropriate officials of the  
10 Federal Government, the Governors of the High-  
11 lands States and other appropriate officials of the  
12 Highlands States, and units of local government;  
13 and

14 (2) utilize the study, the update, and relevant  
15 State resource analyses.

16 (c) MAP.—

17 (1) IN GENERAL.—Not later than 1 year after  
18 the date of enactment of this Act, the Secretary of  
19 Agriculture and the Secretary of the Interior shall  
20 prepare a map depicting the Stewardship Area.

21 (2) AVAILABILITY.—The map shall be on file  
22 and available for public inspection at the appropriate  
23 offices of the Secretary of Agriculture and the Sec-  
24 retary of the Interior.

1 **SEC. 6. OFFICE OF HIGHLANDS STEWARDSHIP AND WORK**  
 2 **GROUP.**

3 (a) ESTABLISHMENT.—The Secretary of Agriculture,  
 4 in consultation with the Under Secretary of Agriculture  
 5 for Natural Resources and Environment, the Chief of the  
 6 Natural Resources Conservation Service, and the Chief of  
 7 the Forest Service, shall establish within the Department  
 8 of Agriculture the Office of Highlands Stewardship.

9 (b) DUTIES.—

10 (1) ADVISORY DUTIES.—shall advise the Gov-  
 11 ernors of the Highlands States, the Secretary of Ag-  
 12 riculture, and the Secretary of Interior on priorities  
 13 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 gions; and

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

23 (2) IMPLEMENTATION DUTIES.—The Office  
 24 shall implement in the Stewardship Area—

25 (A) the strategies of the study and update;  
 26 and

1 (B) in consultation with the Highlands  
2 States, other studies consistent with the pur-  
3 poses of this Act.

4 (c) HIGHLANDS STEWARDSHIP AREA WORK  
5 GROUP.—

6 (1) ESTABLISHMENT.—The Secretary of Agri-  
7 culture shall establish an advisory committee to be  
8 known as the “Highlands Stewardship Area Work  
9 Group” to assist the Office in implementing the  
10 strategies of the study and update referred to in  
11 subsection (b).

12 (2) MEMBERSHIP.—The Work Group shall be  
13 comprised of members that represent various public  
14 and private interests throughout the Stewardship  
15 Area, including private landowners, and representa-  
16 tives of private land trusts, conservation groups,  
17 drinking water purveyors, academic institutions, and  
18 local governments, to be appointed by the Secretary  
19 of Agriculture, in consultation with the Governors of  
20 the Highlands States.

21 (3) DUTIES.—The Work Group shall advise the  
22 Office, the Secretary of Agriculture, and the Sec-  
23 retary of the Interior on priorities for—

24 (A) projects carried out with financial or  
25 technical assistance under this section;

1 (B) land conservation partnership projects  
2 carried out under section 7;

3 (C) research relating to the Highlands re-  
4 gion; and

5 (D) policy and educational initiatives nec-  
6 essary to implement the findings of the study  
7 and update.

8 (d) FINANCIAL AND TECHNICAL ASSISTANCE.—

9 (1) IN GENERAL.—The Office may provide fi-  
10 nancial and technical assistance to an eligible entity  
11 to carry out a project consistent with the steward-  
12 ship goals and conservation strategies articulated in  
13 the study and update to protect, restore, preserve,  
14 promote, or interpret the natural, agricultural, his-  
15 torical, cultural, or recreational resources of the  
16 Stewardship Area.

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

21 (3) CONDITIONS.—

22 (A) IN GENERAL.—The provision of finan-  
23 cial assistance under this subsection shall be  
24 subject to the condition that the eligible entity  
25 enter into an agreement with the Office that

1 provides that if the eligible entity converts,  
2 uses, or disposes of the project for a purpose in-  
3 consistent with the purpose for which the finan-  
4 cial assistance was provided, as determined by  
5 the Office, the United States shall be entitled to  
6 reimbursement from the eligible entity in an  
7 amount that is, as determined at the time of  
8 conversion, use, or disposal, the greater of—

9 (i) the total amount of the financial  
10 assistance provided for the project by the  
11 Federal Government under this section; or

12 (ii) the amount by which the financial  
13 assistance has increased the value of the  
14 land on which the project is carried out.

15 (B) COST-SHARING REQUIREMENT.—The  
16 Federal share of the cost of carrying out a  
17 project under this subsection shall not exceed  
18 50 percent of the total cost of the project.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to the Secretary of Agri-  
21 culture to carry out this section \$2,000,000 for each of  
22 fiscal years 2004 through 2013, to remain available until  
23 expended.

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

2 (a) IN GENERAL.—Annually, the Governors of the  
3 Highlands States, with input from pertinent units of local  
4 government, the public, the Office, and Work Group shall  
5 jointly identify land conservation projects that shall be  
6 proposed for federal financial assistance and submit them  
7 to the Secretary of the Interior.

8 (b) THE SECRETARY OF INTERIOR.—The Secretary  
9 of the Interior, in consultation with the Secretary of Agri-  
10 culture, the Office, the Work Group, and the Governors  
11 of the Highlands States, shall annually designate land  
12 conservation partnership projects that are eligible to re-  
13 ceive financial assistance under this section.

14 (c) CONDITIONS.—

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

19 (A) identifies—

20 (i) the non-Federal entity that will  
21 own or hold and manage the land or inter-  
22 est in land; and

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

25 (B) describes the management objectives  
26 for the land in question that will assure perma-



1           nent protection and use of the land for the pur-  
2           pose for which the assistance was provided, as  
3           required by section 4(5);

4           (C) provides that if the non-Federal entity  
5           converts, uses, or disposes of the project for a  
6           purpose inconsistent with the purpose for which  
7           the assistance was provided, as determined by  
8           the Secretary of the Interior, the United States  
9           shall be authorized to seek specific performance  
10          of the conditions of financial assistance in ac-  
11          cordance with subsection (b) in Federal court  
12          and shall be entitled to reimbursement from the  
13          non-Federal entity in an amount that is, as de-  
14          termined at the time of conversion, use, or dis-  
15          posal, the greater of—

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

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

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

24               (i) the open space plan or greenway  
25               plan of the Highlands State in which the

1 land conservation partnership project is  
2 being 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 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated to the Secretary of the Inte-  
12 rior from the general funds of the Treasury or the Land  
13 and Water Conservation Fund to carry out this section  
14 \$25,000,000 for each of fiscal years 2004 through 2013,  
15 to remain available until expended.

○