

109TH CONGRESS  
1ST SESSION

# H. R. 3187

To authorize the acquisition of land and interests in land to improve the conservation of, and to enhance the ecological values and functions of, coastal watersheds and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. SAXTON introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To authorize the acquisition of land and interests in land to improve the conservation of, and to enhance the ecological values and functions of, coastal watersheds and estuarine areas to benefit both the environment and the economies of coastal communities, 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 “Coastal and Estuarine  
5       Land Conservation Program Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Coastal and estuarine areas provide impor-  
4 tant nursery habitat for two-thirds of the commer-  
5 cial fish and shellfish populations of the United  
6 States, provide nesting and foraging habitat for  
7 coastal birds, harbor significant natural plant com-  
8 munities, and serve to facilitate coastal flood control  
9 and pollutant filtration.

10 (2) Coastal and estuarine areas, in both urban  
11 and rural settings, provide significant opportunities  
12 for recreational and educational activities, including  
13 hunting and fishing, boating, swimming, bird watch-  
14 ing, wildlife observation, restoration, and other ac-  
15 tivities.

16 (3) The Coastal Zone Management Act of 1972  
17 (16 U.S.C. 1451 et seq.) recognizes the national im-  
18 portance of these areas and their ecological vulner-  
19 ability to anthropogenic activities by establishing a  
20 comprehensive Federal-State partnership for pro-  
21 tecting natural reserves and managing growth in  
22 these areas.

23 (4) The National Estuarine Research Reserve  
24 system established under that Act relies on the pro-  
25 tection of designated areas for long-term protection  
26 and for the conduct of education and research crit-

1 ical to the protection and conservation of coastal and  
 2 estuarine resources.

3 (5) Intense development pressures within the  
 4 coastal zone are driving the need to provide coastal  
 5 managers with a wider range of tools to protect and  
 6 conserve important coastal and estuarine areas, in-  
 7 cluding protection of developed or ecologically de-  
 8 graded areas with potential for restoration for eco-  
 9 logical or recreational purposes.

10 (6) Federal-State-nongovernmental organization  
 11 pilot projects have already substantially contributed  
 12 to the long-term health and viability of coastal and  
 13 estuarine systems.

14 (7) Enhanced protection of estuarine and coast-  
 15 al areas can be coordinated through Federal, State,  
 16 regional, and local efforts.

17 **SEC. 3. ESTABLISHMENT OF COASTAL AND ESTUARINE**  
 18 **LAND CONSERVATION PROGRAM.**

19 The Coastal Zone Management Act of 1972 (16  
 20 U.S.C. 1451 et seq.) is amended by inserting after section  
 21 310 the following:

22 “COASTAL AND ESTUARINE LAND CONSERVATION  
 23 PROGRAM

24 “SEC. 310A. (a) ESTABLISHMENT.—The Secretary  
 25 shall establish, in cooperation with appropriate State, re-  
 26 gional, and other units of government, a Coastal and Es-

1    tuarine Land Conservation Program (in this section re-  
2    ferred to as the ‘Program’) for the purposes of—

3               “(1) ascertaining the environmental integrity of  
4               important coastal and estuarine areas, including  
5               wetlands and forests, that—

6                       “(A) have significant conservation, recre-  
7                       ation, ecological, historical, economic, or aes-  
8                       thetic values; and

9                       “(B) are threatened by conversion from  
10                      their natural, undeveloped, or recreational state  
11                      to other uses or could be managed or restored  
12                      to effectively conserve, enhance, or restore eco-  
13                      logical function; and

14               “(2) protecting the environmental integrity of  
15               such areas.

16               “(b) ADMINISTRATION OF PROGRAM.—The Program  
17               shall be administered by the National Ocean Service of  
18               the National Oceanic and Atmospheric Administration  
19               through the Office of Ocean and Coastal Resource Man-  
20               agement.

21               “(c) PROPERTY ACQUISITION GRANTS.—

22                       “(1) GRANTS; PURPOSE.—The Secretary shall  
23                       make grants under the Program to coastal states  
24                       with approved coastal zone management plans or  
25                       National Estuarine Research Reserve units for the

1 purpose of assisting such States to acquire property  
2 or interests in property described in subsection (a)  
3 that will further the goals of—

4 “(A) a Coastal Zone Management Plan or  
5 Program approved under this title;

6 “(B) a National Estuarine Research Re-  
7 serve management plan; or

8 “(C) a regional or State watershed protec-  
9 tion or management plan involving coastal  
10 states with approved coastal zone management  
11 plans.

12 “(2) LIMITATION TO ACQUISITION FROM WILL-  
13 ING SELLERS.—Property acquisition funded in whole  
14 or in part using a grant received under this sub-  
15 section shall be limited to acquisition from willing  
16 sellers.

17 “(d) GRANT PROCESS.—The Secretary shall allocate  
18 funds to coastal states or National Estuarine Research  
19 Reserves under this section through a competitive grant  
20 process in accordance with guidelines that meet the fol-  
21 lowing requirements:

22 “(1) The Secretary shall consult with coastal  
23 states coastal zone management programs, National  
24 Estuarine Research Reserve in coastal states, and  
25 the lead agencies designated by Governors of coastal

1 states for coordinating the establishment and imple-  
2 mentation of this title (if different from the coastal  
3 zone management program of a State).

4 “(2) Each participating coastal state shall iden-  
5 tify priority conservation needs within the State, the  
6 values to be protected by inclusion of lands of the  
7 Program, and the threats to those values that should  
8 be avoided.

9 “(3) Each participating coastal state shall  
10 evaluate how the acquisition of property or ease-  
11 ments might impact working waterfront needs.

12 “(4) Applicants shall identify the values to be  
13 protected by inclusion of land in the Program, man-  
14 agement activities that are planned and the manner  
15 in which they may affect the values identified, and  
16 any other information from landowners relevant to  
17 administration and management of the land.

18 “(5) Awards shall be based on demonstrated  
19 need for protection and ability to successfully lever-  
20 age funds among participating entities, including  
21 Federal programs, regional organizations, State and  
22 other governmental units, landowners, corporations,  
23 or private organizations.

24 “(6) An application must be determined to be  
25 consistent with a coastal state’s approved coastal

1 zone plan, program, and policies prior to submittal  
2 to the Secretary.

3 “(7) Priority shall be given to lands described  
4 in subsection (a) that can be effectively managed  
5 and protected and that have significant ecological or  
6 watershed protection value.

7 “(8) In developing guidelines under this section,  
8 the Secretary shall consult with other Federal agen-  
9 cies and nongovernmental entities expert in land ac-  
10 quisition and conservation procedures.

11 “(9) Eligible coastal states or National Estua-  
12 rine Research Reserves may allocate grants to local  
13 governments or agencies eligible for assistance under  
14 section 306A(e) and may acquire lands in coopera-  
15 tion with nongovernmental entities and Federal  
16 agencies.

17 “(10) The Secretary shall develop performance  
18 measures that will allow periodic evaluation of the  
19 Program’s effectiveness in meeting the purposes of  
20 this section and such evaluation shall be reported to  
21 the Congress.

22 “(e) MATCHING REQUIREMENTS.—

23 “(1) IN GENERAL.—The Secretary may not  
24 make a grant under the Program unless the grant

1 funds are matched by non-Federal funds in accord-  
2 ance with this subsection.

3 “(2) MAXIMUM FEDERAL SHARE.—

4 “(A) 75 PERCENT FEDERAL FUNDS.—No  
5 more than 75 percent of the funding for any  
6 project carried out with a grant under this sec-  
7 tion shall be derived from Federal sources, un-  
8 less such requirement is specifically waived by  
9 the Secretary under subparagraph (B).

10 “(B) WAIVER OF REQUIREMENT.—The  
11 Secretary may grant a waiver of the limitation  
12 in subparagraph (A) for underserved commu-  
13 nities, for a community that has an inability to  
14 draw on other sources of funding because of the  
15 small population or low income of the commu-  
16 nity, or for such other reasons, consistent with  
17 the purposes of this title, as the Secretary con-  
18 siders appropriate.

19 “(3) OTHER FEDERAL FUNDS.—If a grant  
20 awarded under this section represents only a portion  
21 of the total cost of a project, funding from other  
22 Federal sources may be applied to the cost of the  
23 project. Each portion shall be subject to matching  
24 requirements under the applicable provision of law.

1           “(4) SOURCE OF MATCHING FUNDS.—For pur-  
2           poses of paragraph (2)(A), the non-Federal match  
3           for a project may be determined by taking into ac-  
4           count the following:

5                   “(A) The value of land or a conservation  
6                   easement may be used as the non-Federal  
7                   match if the land or easement are identified in  
8                   project plans and acquired within 3 years prior  
9                   to the submission of the project application or  
10                  after the submission of a project application  
11                  until the project grant is closed (not to exceed  
12                  3 years). The appraised value of the land or  
13                  easement at the time of project closing will be  
14                  considered the non-Federal match.

15                  “(B) Costs associated with land acquisi-  
16                  tion, land management planning, remediation,  
17                  restoration, and enhancement may be used as  
18                  non-Federal match if the activities are identi-  
19                  fied in the plan and expenses are incurred with-  
20                  in the period of the grant award. These costs  
21                  may include either case or in-kind contribu-  
22                  tions.

23           “(f) REGIONAL WATERSHED DEMONSTRATION  
24 PROJECT.—The Secretary may provide up to \$5,000,000

1 for a regional watershed protection demonstration project  
2 that will meet the requirements of this section, and—

3 “(1) leverages land acquisition funding from  
4 other Federal land conservation or acquisition pro-  
5 grams such that other Federal contributions, at a  
6 minimum, equal the amounts provided by the Sec-  
7 retary;

8 “(2) involves partnerships from a broad spec-  
9 trum of Federal, State, and non-governmental enti-  
10 ties;

11 “(3) provides for the creation of conservation  
12 corridors and preservation of unique coastal habitat;

13 “(4) protects largely unfragmented habitat  
14 under imminent threat of development or conversion;

15 “(5) enhances the network of protected areas  
16 established for long-term research, education, and  
17 stewardship under the National Estuarine Research  
18 Reserve program; and

19 “(6) provides a model for future regional water-  
20 shed protection projects.

21 “(g) RESERVATION OF FUNDS FOR NATIONAL ESTU-  
22 ARINE RESEARCH RESERVE SITES.—No less than 15 per-  
23 cent of funds made available under this section shall be  
24 available for acquisitions benefiting National Estuarine  
25 Research Reserve acquisitions.

1       “(h) LIMIT ON ADMINISTRATIVE COSTS.—No more  
2 than 5 percent of the funds made available to the Sec-  
3 retary under this section shall be used by the Secretary  
4 for planning or administration of the Program. The Sec-  
5 retary shall provide a report to the Congress with an ac-  
6 count of all expenditures under the Program for fiscal year  
7 2007, fiscal year 2008, and triennially thereafter.

8       “(i) TITLE AND MANAGEMENT OF ACQUIRED PROP-  
9 erty.—

10           “(1) IN GENERAL.—If any property is acquired  
11 in whole or in part with funds made available  
12 through a grant under this section, the grant recipi-  
13 ent shall provide such assurances as the Secretary  
14 may require that—

15           “(A) the title to the property will be held  
16 by the grant recipient or another appropriate  
17 public agency designated by the recipient in  
18 perpetuity;

19           “(B) the property will be managed in a  
20 manner that is consistent with the purposes for  
21 which the land entered into the Program and  
22 shall not convert such property to other uses;  
23 and

24           “(C) if the property or interest in land is  
25 sold, exchanged, or divested, funds equal to the

1 correct value will be returned to the Secretary,  
2 for re-distribution in the grant process.

3 “(2) CONSERVATION EASEMENT.—In this sub-  
4 section, the term ‘conservation easement’ includes an  
5 easement, recorded deed, or interest deed where the  
6 grantee acquires all rights, title, and interest in a  
7 property, that do not conflict with the goals of this  
8 title except those rights, title, and interests that may  
9 run with the land that are expressly reserved by a  
10 grantor and are agreed to at the time of purchase.

11 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to the Secretary—

13 “(1) \$60,000,000 for each of fiscal years 2007  
14 through 2011 to carry out this section (other than  
15 subsection (f)), to remain available without fiscal  
16 year limitation; and

17 “(2) \$5,000,000 for fiscal year 2007 to carry  
18 out subsection (f), to remain available without fiscal  
19 year limitation.”.

20 **SEC. 4. ASSISTANCE FROM OTHER AGENCIES.**

21 Section 310(a) of the Coastal Zone Management Act  
22 of 1972 (16 U.S.C. 1456c(a)) is amended by striking “any  
23 qualified person for the purposes of carrying out this sub-  
24 section.” and inserting “any other Federal agencies (in-  
25 cluding interagency financing of Coastal America activi-

1 ties) and any other qualified person for the purposes of  
2 carrying out this section.”.

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