

110TH CONGRESS  
1ST SESSION

# H. R. 1907

To authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal 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

APRIL 18, 2007

Mr. SAXTON (for himself and Mrs. CAPP) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal 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 Protection 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 Nation's  
5 commercial fish and shellfish, provide nesting and  
6 foraging habitat for coastal birds, harbor significant  
7 natural plant communities, and serve to facilitate  
8 coastal flood control and pollutant filtration.9 (2) The Coastal Zone Management Act of 1972  
10 (16 U.S.C. 1451 et seq.) recognizes the national im-  
11 portance of these areas and their ecological vulner-  
12 ability to anthropogenic activities by establishing a  
13 comprehensive Federal-State partnership for pro-  
14 tecting natural reserves and managing growth in  
15 these areas.16 (3) The National Estuarine Research Reserve  
17 system established under that Act relies on the pro-  
18 tection of pristine designated areas for long-term  
19 protection and for the conduct of education and re-  
20 search critical to the protection and conservation of  
21 coastal and estuarine resources.22 (4) Intense development pressures within the  
23 coastal watershed are driving the need to provide  
24 coastal managers with a wider range of tools to pro-  
25 tect and conserve important coastal and estuarine  
26 areas, including protection of ecologically degraded

1       areas with potential for restoration for ecological or  
2       recreational purposes.

3               (5) Protection of undeveloped coastal lands  
4       through the acquisition of interests in property from  
5       a willing seller are a cost-effective means of pro-  
6       viding these areas with permanent protection from  
7       development.

8               (6) Permanent protection of lands in the coast-  
9       al zone is a necessary component of any program to  
10       maintain and enhance coastal and estuarine areas  
11       for the benefit of the Nation.

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

18               (8) Federal-State-nongovernmental organization  
19       pilot land acquisition projects have already substan-  
20       tially contributed to the long-term health and viabil-  
21       ity of coastal and estuarine systems.

22               (9) Enhanced protection of estuarine and coast-  
23       al areas can be attained through watershed-based  
24       acquisition strategies coordinated through Federal,  
25       State, regional, and local efforts.

1 (10) Conserving coastal and estuarine lands can  
2 support the traditional economic and natural re-  
3 source bases of communities in the coastal water-  
4 shed, including well-managed forests that dem-  
5 onstrate outstanding ecological, recreational, histor-  
6 ical, and aesthetic attributes.

7 SEC. 3. ESTABLISHMENT OF COASTAL AND ESTUARINE  
8 LAND PROTECTION PROGRAM.

9 (a) IN GENERAL.—The Secretary of Commerce shall  
10 establish a Coastal and Estuarine Land Protection Pro-  
11 gram, in cooperation with appropriate State, regional, and  
12 other units of government, for the purposes of protecting  
13 the environmental integrity of important coastal and estu-  
14 arine areas, including wetlands and forests, that have sig-  
15 nificant conservation, recreation, ecological, historical,  
16 aesthetic, or watershed protection values, and that are  
17 threatened by conversion from their natural, undeveloped,  
18 or recreational state to other uses or could be managed  
19 or restored to effectively conserve, enhance, or restore eco-  
20 logical function. The program shall be administered by the  
21 National Ocean Service of the National Oceanic and At-  
22 mospheric Administration through the Office of Ocean  
23 and Coastal Resource Management.

24 (b) PROPERTY ACQUISITION GRANTS.—The Sec-  
25 retary shall make grants under the program to coastal

1 States with approved coastal zone management plans or  
2 National Estuarine Research Reserve units for the pur-  
3 pose of acquiring property or interests in property de-  
4 scribed in subsection (a) that will further the goals of—  
5 (1) a Coastal Zone Management Plan or Pro-  
6 gram approved under the Coastal Zone Management  
7 Act of 1972 (16 U.S.C. 1451 et seq.);  
8 (2) a National Estuarine Research Reserve  
9 management plan; or  
10 (3) a regional or State watershed protection  
11 plan involving coastal States with approved coastal  
12 zone management plans.

13 (c) GRANT PROCESS.—The Secretary shall allocate  
14 funds to coastal States or National Estuarine Research  
15 Reserves under this section through a competitive grant  
16 process in accordance with guidelines that meet the fol-  
17 lowing requirements:

18 (1) The Secretary shall consult with the State's  
19 coastal zone management program, any National Es-  
20 tuarine Research Reserve in that State, and the lead  
21 agency designated by the Governor for coordinating  
22 the implementation of this Act (if different from the  
23 coastal zone management program).

24 (2) Each participating State, after consultation  
25 with nongovernmental and local governmental enti-

1 ties, shall identify priority conservation needs within  
2 the State, the values to be protected by inclusion of  
3 lands in the program, and the threats to those val-  
4 ues that should be avoided.

5 (3) Each participating State shall evaluate how  
6 the acquisition of property or easements might im-  
7 pact working waterfront needs.

8 (4) The applicant shall identify the values to be  
9 protected by inclusion of the lands in the program,  
10 management activities that are planned and the  
11 manner in which they may affect the values identi-  
12 fied, and any other information from the landowner  
13 relevant to administration and management of the  
14 land.

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

21 (6) The governor, or the lead agency designated  
22 by the governor for coordinating the implementation  
23 of this Act, shall determine that the application is  
24 consistent with the State's or territory's approved

1 coastal zone plan, program and policies prior to sub-  
2 mittal to the Secretary.

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

7 (8) In developing guidelines under this section,  
8 the Secretary shall consult with other Federal agen-  
9 cies and non-governmental entities with expertise in  
10 land acquisition and conservation procedures.

11 (9) Eligible States or National Estuarine Re-  
12 search Reserves may allocate grants to local govern-  
13 ments or agencies eligible for assistance under sec-  
14 tion 306A(e) of the Coastal Zone Management Act  
15 of 1972 (16 U.S.C. 1455a) and may acquire lands  
16 in cooperation with nongovernmental entities and  
17 Federal agencies.

18 (10) The Secretary shall develop measures that  
19 will ensure that property or interests in property ac-  
20 quired in whole or in part through the use of funds  
21 under the program are acquired only from willing  
22 sellers.

23 (11) The Secretary shall develop performance  
24 measures that the Secretary shall use to evaluate  
25 and report on the program's effectiveness in accom-

1 plishing its purposes, and shall submit such evalua-  
2 tions to Congress triennially.

3 (d) MATCHING REQUIREMENTS.—

4 (1) IN GENERAL.—The Secretary may not  
5 make a grant under the program unless the Federal  
6 funds are matched by non-Federal funds in accord-  
7 ance with this subsection.

8 (2) MAXIMUM FEDERAL SHARE.—

9 (A) 75 PERCENT FEDERAL FUNDS.—No  
10 more than 75 percent of the funding for any  
11 project under this section shall be derived from  
12 Federal sources, unless such requirement is  
13 specifically waived by the Secretary.

14 (B) WAIVER OF REQUIREMENT.—The Sec-  
15 retary may grant a waiver of the limitation in  
16 subparagraph (A) for underserved communities,  
17 communities that have an inability to draw on  
18 other sources of funding because of the small  
19 population or low income of the community, or  
20 for other reasons the Secretary deems appro-  
21 priate.

22 (3) OTHER FEDERAL FUNDS.—Where financial  
23 assistance awarded under this section represents  
24 only a portion of the total cost of a project, funding  
25 from other Federal sources may be applied to the

1 cost of the project. Each portion shall be subject to  
2 match requirements under the applicable provision  
3 of law.

4 (4) SOURCE OF MATCHING COST SHARE.—For  
5 purposes of paragraph (2)(A), the non-Federal cost  
6 share for a project may be determined by taking into  
7 account the following:

8 (A) The value of land or a conservation  
9 easement may be used as non-Federal match if  
10 the lands are identified in project plans and ac-  
11 quired within 3 years prior to the submission of  
12 the project application or after the submission  
13 of a project application until the project grant  
14 is closed (not to exceed 3 years). The appraised  
15 value of the land at the time of project closing  
16 will be considered the non-Federal cost share.  
17 The value of land that is held by a nongovern-  
18 mental organization may be used for such pur-  
19 pose if it is held in perpetuity by a qualified  
20 conservation organization, as determined by the  
21 Secretary.

22 (B) Costs associated with land acquisition,  
23 land management planning, remediation, res-  
24 toration, and enhancement may be used as non-  
25 Federal match if the activities are identified in

1           the plan and expenses are incurred within the  
2           period of the grant award, or, for lands de-  
3           scribed in (A), within the same time limits de-  
4           scribed therein. These costs may include either  
5           cash or in-kind contributions.

6           (e) RESERVATION OF FUNDS FOR NATIONAL ESTUA-  
7        RINE RESEARCH RESERVE SITES.—No less than 15 per-  
8        cent of funds made available under this section shall be  
9        available for acquisitions benefiting National Estuarine  
10      Research Reserves.

11           (f) LIMIT ON ADMINISTRATIVE COSTS.—No more  
12      than 5 percent of the funds made available to the Sec-  
13      retary under this section shall be used by the Secretary  
14      for planning or administration of the program. The Sec-  
15      retary shall provide a report to Congress with an account  
16      of all expenditures under this section for fiscal year 2008  
17      and triennially thereafter.

18           (g) TITLE AND MANAGEMENT OF ACQUIRED PROP-  
19        ERTY.—If any property is acquired in whole or in part  
20      with funds made available through a grant under this sec-  
21      tion, the grant recipient shall provide such assurances as  
22      the Secretary may require that—

23                (1) the title to the property will be held by the  
24        grant recipient or another appropriate public agency  
25        designated by the recipient in perpetuity;

10 (h) DEFINITIONS.—In this section:

5 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to the Secretary such  
7 sums as may be necessary to carry out this Act for fiscal  
8 years 2008 through 2012.

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