

108TH CONGRESS  
1ST SESSION

# H. R. 749

To direct the Secretary of the Interior to establish the Cooperative Landscape Conservation Program.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2003

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To direct the Secretary of the Interior to establish the Cooperative Landscape Conservation 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 “Cooperative Landscape  
5 Conservation Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to establish a program ad-  
8 ministered by the Secretary of the Interior to provide  
9 matching grants to certain eligible entities to facilitate the  
10 acquisition of permanent conservation easements on lands

1 in order to conserve wildlife, fisheries, public recreation,  
2 open space, and other important conservation values  
3 where consistent with the continuation of traditional uses  
4 of those lands by private landowners.

5 **SEC. 3. ESTABLISHMENT OF THE COOPERATIVE LAND-**  
6 **SCAPE PROTECTION PROGRAM.**

7 (a) ESTABLISHMENT.—The Secretary of the Interior  
8 shall establish and carry out a program, to be known as  
9 the Cooperative Landscape Conservation Program, under  
10 which the Secretary, subject to the availability of appro-  
11 priations, shall provide grants to eligible entities to provide  
12 the Federal share of the cost of acquiring permanent con-  
13 servation easements on private lands that provide impor-  
14 tant wildlife, fisheries, public recreation, open space, or  
15 other conservation benefits to the public, for the purpose  
16 of preventing the loss of those benefits due to development  
17 that is inconsistent with the traditional uses of the land.

18 (b) APPLICATION FOR EASEMENTS.—To request a  
19 grant under this section, an eligible entity shall submit  
20 an application that—

21 (1) describes the property that will be subject  
22 to the easement and the conservation benefits that  
23 will result from acquiring the easement; and

24 (2) demonstrates how the traditional use of the  
25 property will be maintained.

1 (c) PRIORITY.—In providing grants under this sec-  
2 tion, the Secretary shall give priority to grants to acquire  
3 easements that—

4 (1) are in areas where rapid population growth  
5 and increasing land values are creating development  
6 pressures that threaten traditional use of land and  
7 the ability to maintain open space; and

8 (2) in comparison to other easements for which  
9 grant applications are submitted under this section  
10 in the same year, will provide the greatest conserva-  
11 tion benefit for wildlife, fish, natural resources, or  
12 open space while maintaining the traditional use of  
13 land.

14 (d) COST SHARING.—

15 (1) FEDERAL SHARE.—The Federal share of  
16 the cost of acquiring a conservation easement with  
17 a grant under this section may not exceed 50 per-  
18 cent of the total cost of acquiring the easement.

19 (2) IN-KIND CONTRIBUTIONS.—Subject to such  
20 reasonable conditions as the Secretary may estab-  
21 lish, the Secretary shall apply to the non-Federal  
22 share of the cost of such acquisition the value of any  
23 land, interest in land, good, or service applied to  
24 that acquisition.

1           (e) TITLE; ENFORCEMENT.—Title to a conservation  
2 easement acquired with a grant under this section may  
3 be held and enforced only by an eligible entity.

4           (f) STATE CERTIFICATION.—As a condition of the re-  
5 ceipt by an eligible entity of a grant under subsection (a),  
6 the attorney general of the State in which the conservation  
7 easement is to be acquired using the grant funds must  
8 certify that the conservation easement to be acquired is  
9 in a form that is sufficient, under the laws of the State,  
10 to achieve the conservation purposes of the easement and  
11 the terms and conditions of the grant.

12          (g) TECHNICAL ASSISTANCE.—The Secretary may  
13 not use more than 10 percent of the amount that is avail-  
14 able for any fiscal year to carry out this Act to provide  
15 technical assistance to carry out this section.

16          (h) DEFINITIONS.—In this section:

17               (1) ELIGIBLE ENTITY.—The term “eligible enti-  
18 ty” means—

19                       (A) an agency of a State or local govern-  
20                       ment;

21                       (B) a federally recognized Indian tribe; or

22                       (C) any organization that is organized for,  
23                       and at all times since its formation has been  
24                       operated principally for, one or more of the con-  
25                       servation purposes specified in clause (i), (ii), or

1 (iii) of section 170(h)(4)(A) of the Internal  
2 Revenue Code of 1986 and—

3 (i) is described in section 501(c)(3) of  
4 the Code;

5 (ii) is exempt from taxation under  
6 section 501(a) of the Code; and

7 (iii)(I) is described in paragraph (2)  
8 of section 509(a) of the Code; or

9 (II) is described in paragraph (3) of  
10 such section, but is controlled by an orga-  
11 nization described in paragraph (2) of such  
12 section.

13 (2) TRADITIONAL USE.—The term “traditional  
14 use” means the uses of land that are in practice at  
15 the time of the submission of an application for a  
16 grant under this section.

17 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to the Sec-  
19 retary of the Interior to carry out this Act \$100,000,000  
20 for each of the fiscal years 2004 through 2009.

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