

TITLE 16 - CONSERVATION
CHAPTER 41 - COOPERATIVE FORESTRY ASSISTANCE

§ 2103d. Community forest and open space conservation program

(a) Definitions

In this section:

(1) Eligible entity

The term “eligible entity” means a local governmental entity, Indian tribe, or nonprofit organization that owns or acquires a parcel under the program.

(2) Indian tribe

The term “Indian tribe” has the meaning given the term in section 450b of title 25.

(3) Local governmental entity

The term “local governmental entity” includes any municipal government, county government, or other local government body with jurisdiction over local land use decisions.

(4) Nonprofit organization

The term “nonprofit organization” means any organization that—

(A) is described in section 170 (h)(3) of title 26; and

(B) operates in accordance with 1 or more of the purposes specified in section 170 (h)(4)(A) of title 26.

(5) Program

The term “Program” means the community forest and open space conservation program established under subsection (b).

(6) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) Establishment

The Secretary shall establish a program, to be known as the “community forest and open space conservation program”.

(c) Grant program

(1) In general

The Secretary may award grants to eligible entities to acquire private forest land,¹ to be owned in fee simple, that—

(A) are threatened by conversion to nonforest uses; and

(B) provide public benefits to communities, including—

(i) economic benefits through sustainable forest management;

(ii) environmental benefits, including clean water and wildlife habitat;

(iii) benefits from forest-based educational programs, including vocational education programs in forestry;

(iv) benefits from serving as models of effective forest stewardship for private landowners; and

(v) recreational benefits, including hunting and fishing.

(2) Federal cost share

An eligible entity may receive a grant under the Program in an amount equal to not more than 50 percent of the cost of acquiring 1 or more parcels, as determined by the Secretary.

(3) Non-Federal share

As a condition of receipt of the grant, an eligible entity that receives a grant under the Program shall provide, in cash, donation, or in kind, a non-Federal matching share in an amount that is at least equal to the amount of the grant received.

(4) Appraisal of parcels

To determine the non-Federal share of the cost of a parcel of privately-owned forest land under paragraph (2), an eligible entity shall require appraisals of the land that comply with the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(5) Application

An eligible entity that seeks to receive a grant under the Program shall submit to the State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) an application that includes—

- (A) a description of the land to be acquired;
- (B) a forest plan that provides—
 - (i) a description of community benefits to be achieved from the acquisition of the private forest land; and
 - (ii) an explanation of the manner in which any private forest land to be acquired using funds from the grant will be managed; and
- (C) such other relevant information as the Secretary may require.

(6) Effect on trust land

(A) Ineligibility

The Secretary shall not provide a grant under the Program for any project on land held in trust by the United States (including Indian reservations and allotment land).

(B) Acquired land

No land acquired using a grant provided under the Program shall be converted to land held in trust by the United States on behalf of any Indian tribe.

(7) Applications to Secretary

The State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) shall submit to the Secretary a list that includes a description of each project submitted by an eligible entity at such times and in such form as the Secretary shall prescribe.

(d) Duties of eligible entity

An eligible entity shall provide public access to, and manage, forest land acquired with a grant under this section in a manner that is consistent with the purposes for which the land was acquired under the Program.

(e) Prohibited uses

(1) In general

Subject to paragraphs (2) and (3), an eligible entity that acquires a parcel under the Program shall not sell the parcel or convert the parcel to nonforest use.

(2) Reimbursement of funds

An eligible entity that sells or converts to nonforest use a parcel acquired under the Program shall pay to the Federal Government an amount equal to the greater of the current sale price, or current appraised value, of the parcel.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

(3) Loss of eligibility

An eligible entity that sells or converts a parcel acquired under the Program shall not be eligible for additional grants under the Program.

(f) State administration and technical assistance

The Secretary may allocate not more than 10 percent of all funds made available to carry out the Program for each fiscal year to State foresters or equivalent officials (including equivalent officials of Indian tribes) for Program administration and technical assistance.

(g) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

Footnotes

¹ So in original. Probably should be “lands.”

(Pub. L. 95–313, § 7A, as added Pub. L. 110–234, title VIII, § 8003(b), May 22, 2008, 122 Stat. 1281, and Pub. L. 110–246, § 4(a), title VIII, § 8003(b), June 18, 2008, 122 Stat. 1664, 2043.)

Codification

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

Effective Date

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of Title 7, Agriculture.

Findings

Pub. L. 110–234, title VIII, § 8003(a), May 22, 2008, 122 Stat. 1281, and Pub. L. 110–246, § 4(a), title VIII, § 8003(a), June 18, 2008, 122 Stat. 1664, 2043, provided that: “Congress finds that—

“(1) the Forest Service projects that, by calendar year 2030, approximately 44,000,000 acres of privately-owned forest land will be developed throughout the United States;

“(2) public access to parcels of privately-owned forest land for outdoor recreational activities, including hunting, fishing, and trapping, has declined and, as a result, participation in those activities has also declined in cases in which public access is not secured;

“(3) rising rates of obesity and other public health problems relating to the inactivity of the citizens of the United States have been shown to be ameliorated by improving public access to safe and attractive areas for outdoor recreation;

“(4) in rapidly-growing communities of all sizes throughout the United States, remaining parcels of forest land play an essential role in protecting public water supplies;

“(5) forest parcels owned by local governmental entities and nonprofit organizations are providing important demonstration sites for private landowners to learn forest management techniques;

“(6) throughout the United States, communities of diverse types and sizes are deriving significant financial and community benefits from managing forest land owned by local governmental entities for timber and other forest products; and

“(7) there is an urgent need for local governmental entities to be able to leverage financial resources in order to purchase important parcels of privately-owned forest land as the parcels are offered for sale.”

[Pub. L. 110–234 and Pub. L. 110–246 enacted identical provisions. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246, set out as a note under section 8701 of Title 7, Agriculture.]