Forest Legacy Provision

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended in subsection (1), by adding at the end the following:

“(3) STATE AUTHORIZATION –

(A) IN GENERAL – The Secretary shall, at the request of a State acting through the State Lead Agency, authorize the State to allow qualified organizations, as defined in section 170(h)(3) of the Internal Revenue Code of 1986, and organized for one or more of the purposes described in section 170(h)(4)(A) of that Code, to acquire, hold and manage conservation easements, using funds granted to the State under this subsection, for purposes of the Forest Legacy Program in the State.

(B) ELIGIBILITY – To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (A) must demonstrate to the Secretary the abilities necessary to acquire, monitor, and enforce interests in forestland consistent with the Forest Legacy Program and the assessment of need for the State.

(C) REVERSION –

(i) In general. – If the Secretary, or a State acting through the State Lead Agency, makes any of the determinations described in clause (ii) with respect to a conservation easement acquired by a qualified organization under the authority of subparagraph (A) –

(I) all right, title and interest of the qualified organization in and to the conservation easement shall terminate; and

(II) all right, title, and interest in and to the conservation easement shall revert to the State or other qualified designee as approved by the State.

(ii) Determinations. – The determinations referred to in clause (i) are that -

(I) the qualified organization is unable to carry out its responsibilities under the Forest Legacy Program in the State with respect to the conservation easement;

(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

(III) the conservation easement has been conveyed to another person (other than a qualified organization approved by the State and the Secretary).