

117TH CONGRESS
2D SESSION

S. 3989

To provide that the Secretary of the Interior may not enter into certain conservation easements with a term of more than 50 years, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 4 (legislative day, MARCH 31), 2022

Mr. CRAMER (for himself, Mr. ROUNDS, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide that the Secretary of the Interior may not enter into certain conservation easements with a term of more than 50 years, 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 “Landowner Easement
5 Rights Act”.

6 **SEC. 2. LIMITATION ON CONSERVATION EASEMENT TERMS.**

7 After the date of the enactment of this Act, the Sec-
8 retary may not enter into a conservation easement with
9 a term of more than 50 years.

1 **SEC. 3. RENEGOTIATION OF CONSERVATION EASEMENTS.**

2 At the request of an owner of land that is subject
3 to an eligible conservation easement, the Secretary shall—

4 (1) not later the 6 months after the Secretary
5 receives the request from the landowner, provide to
6 the landowner—

7 (A) a detailed map of the easement; and

8 (B) notice of the current fair market value
9 of the easement as determined by the Secretary;
10 and

11 (2) renegotiate the terms of the eligible con-
12 servation easement, including—

13 (A) a term not longer than 50 years; and

14 (B) payment by the Secretary to the land-
15 owner in an amount equal to the fair market
16 value of the easement, as determined by the
17 Secretary under paragraph (1)(B), minus the
18 amount paid by the Secretary for the eligible
19 conservation easement being renegotiated (ad-
20 justed for inflation); or

21 (3) allow the landowner to buy back the eligible
22 conservation easement or a portion of the eligible
23 conservation easement at fair market value, as de-
24 termined by the Secretary.

1 **SEC. 4. NOTICE TO LANDOWNERS.**

2 The Secretary shall notify the owner of the land sub-
 3 ject to that conservation easement of the owner's right to
 4 submit a request under section 3—

5 (1) not later than 3 months before the con-
 6 servation easement becomes an eligible conservation
 7 easement described in section 5(2)(A); and

8 (2) not later than 1 year before the conserva-
 9 tion easement becomes an eligible conservation ease-
 10 ment described in section 5(2)(B).

11 **SEC. 5. DEFINITIONS.**

12 In this Act:

13 (1) CONSERVATION EASEMENT.—The term
 14 “conservation easement”—

15 (A) means a voluntary, legal agreement be-
 16 tween a landowner and the Secretary that limits
 17 use of the land in order to protect its conserva-
 18 tion values; and

19 (B) does not include agreements—

20 (i) with Indian Tribes; or

21 (ii) related to utilities.

22 (2) ELIGIBLE CONSERVATION EASEMENT.—The
 23 term “eligible conservation easement” means a con-
 24 servation easement that—

25 (A) has been in effect for longer than 50
 26 years; or

1 (B) was put into effect before 1977 with-
2 out the creation of an official corresponding
3 map.

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

