



# USDA Forest Service Forest Legacy Program



## **Purpose:**

To ascertain and protect environmentally important forest areas that are threatened by conversion to nonforest uses



Connecticut Lakes Headwaters – New Hampshire



# The Forest Legacy Program Is Administered by the U.S. Forest Service State and Private Forestry



**U.S. Forest Service  
Chief**

**National  
Forest  
System**

**Research**

**State and Private  
Forestry**

**Operations**

**Programs  
and  
Legislation**



# Values Protected



**Traditional**



**Wildlife**



**Riparian**



**Scenic**



**Recreational**



**Cultural**



# The Forest Legacy Program Is Strictly Voluntary



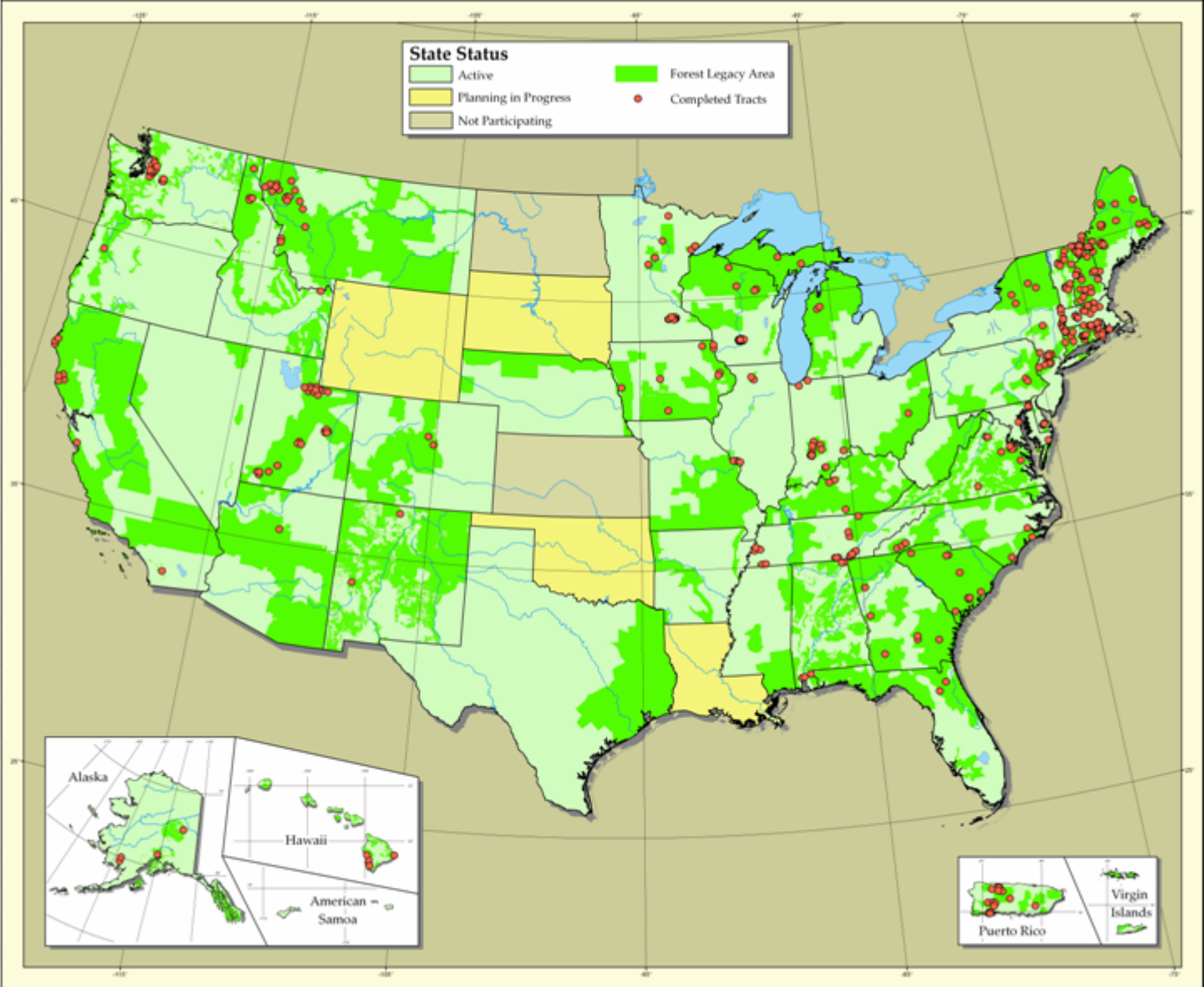
As of June 30, 2008:

- **44 States and 3 U.S. Territories have joined the Forest Legacy Program.**
- **4 States are currently working on their Assessments of Need (AON) to join the Forest Legacy Program.**
- **465 tracts have been completed.**
- **1,157,186 acres on 283 tracts have been protected in the Northeastern Area States.**
- **1,662,838 acres have been protected Nationally.**





# Participating States





# **Land Protection**



**To maintain the status or integrity of, especially through financial or legal guarantees**



# **Land Conservation**



**Planned management of a natural resource to prevent exploitation, destruction, or neglect**



# **Land Preservation**



**To keep safe from injury, harm,  
or destruction**

Merriam-Webster's Collegiate Dictionary, Tenth Edition





**The Forest Legacy Program is a *land protection* program in which *land conservation* is encouraged and *land preservation* may occur.**



# Conservation Easements Are the Forest Legacy Program's Primary Tool



**Conservation Easement: a legal agreement between a landowner and a land trust or governmental agency that permanently limits the uses of the land to protect its conservation values, while the landowner continues to own it**



# Conservation Easements Are Binding on Subsequent Landowners



**The conservation easement is perpetual and is recorded at the local records office so that all future owners learn about the easement and landowner responsibilities when they obtain title reports.**





# Other Land Protection Tools



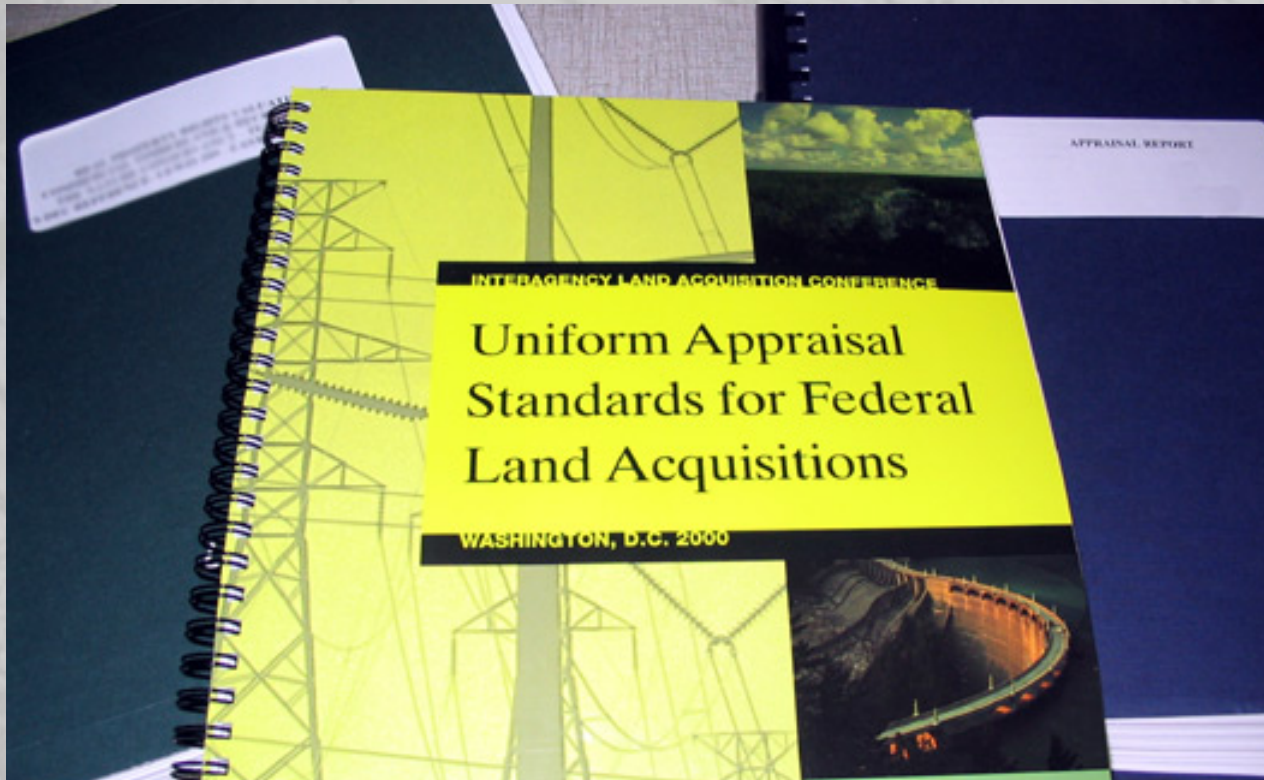
- Full-fee purchase
- Voluntary deed restrictions
- Covenants
- Agreements



Cork Brook – Rhode Island



# Federal Appraisal Standards



**Landowners will be offered no more than market value for their interests in land as determined by an appraisal conforming to Federal Appraisal Standards.**





# Eligible Lands



**To be eligible, lands shall have significant environmental values or be threatened by present or future conversion to nonforest uses, and be located in a Forest Legacy Area.**





# Timber Management



**Forests may be deemed important if they provide opportunities for the continuation of traditional forest uses, such as timber management.**



# First Step



**The Governor appoints a State lead agency, usually a forestry or natural resource agency within the State.**



# The Planning Process: The Assessment of Need



Prepared by the State lead agency, who:

- **Evaluates and analyzes existing data to establish eligibility criteria**
- **Applies eligibility criteria to identify Forest Legacy Areas**
- **Recommends Forest Legacy Areas to the Secretary**
- **Involves the public in the process**

**The AON is reviewed and approved by the Forest Service and the USDA.**

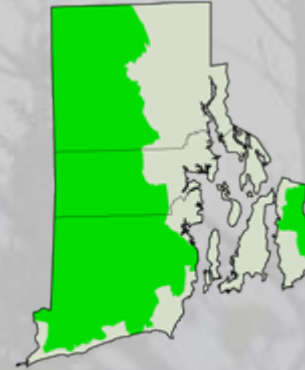




# Forest Legacy Areas



Forest tracts within the Forest Legacy Area (FLA) may be eligible for the Forest Legacy Program.



Rhode Island  
FLA's

Boundaries must include forest lands with significant environmental values.



Iowa  
FLA's



Pennsylvania  
FLA's



# Tract Selection



- Applications are submitted to the State lead agency.
- **The SFSCC prioritizes the applications.**
- The State receives a project grants determined by the Forest Legacy Program guideline project selection process.



Pumpkin Brook Link – Massachusetts





# Who Holds the Lands or Interests in Lands?



- Under the State grant option, the USDA Forest Service grants funds to the State to acquire lands or interests in lands.
- Under the Federal acquisition option, the USDA Forest Service acquires lands or interests in lands directly.
- Land trusts may only hold lands or interests in lands donated for cost-share to federally funded projects on behalf of the Forest Legacy Program.





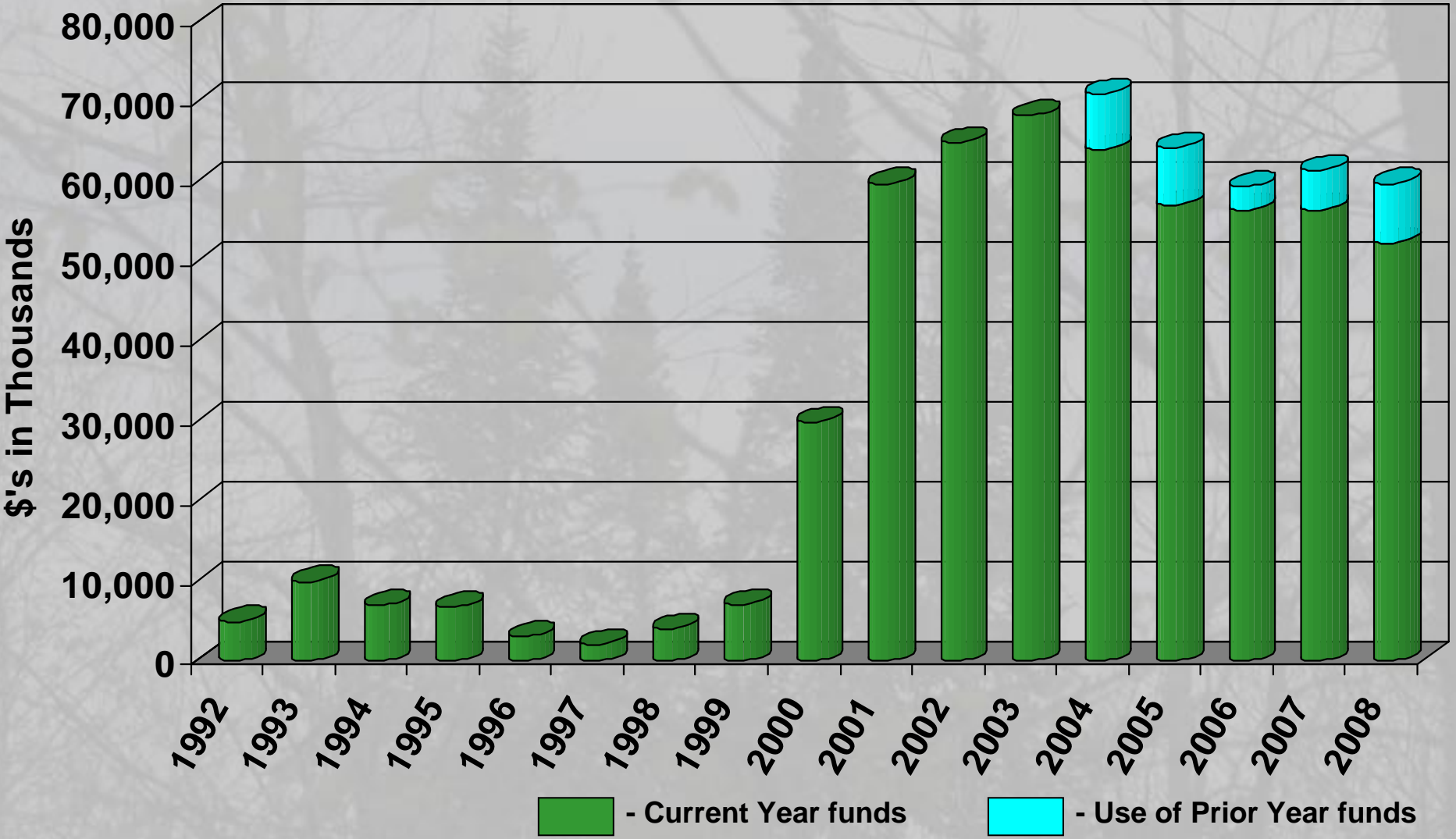
# Benefits



- **States and regions identify important forest areas.**
- **When conservation easements are used, sound forest stewardship is encouraged and the land remains privately owned.**
- **The lands and interests are held in perpetuity. There is no loss of the Federal investment resulting from changes in ownership.**
- **Stewardship or multi-resource management plans are prepared on all tracts.**
- **Land trusts, private landowners, communities, and forestry and conservation organizations are active partners.**



# Forest Legacy Program Funding History





# Cost Sharing

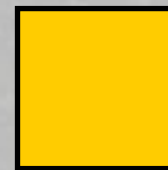


**To the greatest extent practicable, the Federal contribution for total program costs may not exceed 75 percent.**

**Maximum  
Federal  
contribution**



**75%**



**25%**

**State, local, land  
trust, bargain sale,  
donations, other  
qualified acquisitions  
minimum contribution**





# Acquisition



**Payments shall be made in accordance with Federal appraisal and acquisition standards and procedures, whether acquired by the State or Federal government.**

**The landowner must be notified in writing that the lands or interests in lands will not be purchased if negotiations do not result in an amicable agreement.**



# Federal Role



## State and Private Forestry

- Overall guidance
- Grants to States
- Oversight

## National Forest System

- Acquisition activities for some States
- Appraisal review



Green River Reservoir – Vermont



# State Role



## State lead agency

- **Solicits applications**
- **Reviews and prioritizes applications**
- **Submits for funding**
- **Prepares grant application**
- **Works with landowner and/or partners**
- **Monitors easement lands**

## Acquisition of lands

- **Negotiates conservation easement language if not full fee purchase**
- **Survey**
- **Title work**
- **Appraisal**
- **Closing**
- **Maintain records**





# State Forest Stewardship Coordinating Committee



- Chaired and administered by the State Forester
- Cooperates with the State lead agency to prepare the AON
- Identifies eligibility criteria
- Identifies proposed Forest Legacy Areas
- Selects priority tracts to be considered for enrollment in the program



SFSCC Site Visit – Indiana

# Conservation Organization Role



- Participates on the SFSCC
- Seeks out landowners and cultivates interest in the Forest Legacy Program
- Brokers land or interests in land acquisition deals
- Monitors tracts through agreements with governmental entities



Baraboo Hills – Wisconsin





# What Is a Land Trust?



A nonprofit organization with objectives to protect land, often staffed by volunteers who work hand-in-hand with landowners, using a variety of tools to permanently restrict the uses of the land for conservation purposes







# Landowner Role



- Conveyance of lands or interests in lands to achieve the conservation objectives of the FLP
- Responsible for preparation of a stewardship or multi-resource management plan
- Manages the land to achieve the conservation objectives of the FLP



Landowners Jenness and Jim Robbins – Nicatous Lake – Maine



# Monitoring and Enforcement



- States agree to monitor Forest Legacy tracts upon joining the program.
  - Baseline documentation
- Enforcement is the responsibility of the conservation easement holder.



FLP Program Review – Minnesota





# Forest Legacy Program Accomplishments



Tracts Protected	Acres Protected	Value of Interests Acquired	Forest Legacy Payment
<b>465</b>	<b>1,662,838</b>	<b>\$809,233,478</b>	<b>\$360,428,453</b>

**As of June 30, 2008**





# How to Participate?



- **Contact the State forestry agency where your forest land is located.**
- **A list of the State Foresters can be found at the National Association of State Foresters Web site: <http://www.stateforesters.org>.**
- **State programs vary; check the State Assessment of Need for Forest Legacy Program goals and application information.**



# For More Information



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