

FOREST LEGACY

U P D A T E

November 2001

Appropriations Continue to Increase

By Rick Cooksey, Washington DC

To say that this has been an unusual year in Congress to develop the Forest Legacy program budget is like saying that a hurricane is just a bad rainstorm. Both are understatements. The negotiations and dialog to determine the FY 2002 appropriation have been changeable and at times concerning, but the outcomes are very positive for the program. Highlights and outcomes are:

- ❖ The House and Senate came together in a Committee of Conference agreeing to expand the FLP to \$65 million for FY 2002
- ❖ The conference agreement on the Interior and Related Agencies Appropriations, Conservation Spending

Category represents an increase of \$34,921,000 over the President's budget request

- ❖ At times in the process it seemed that congressional earmarks might absorb all potential program funding, but in the end an improved balance was achieved
- ❖ Congress earmarked 25 projects in 15 states equaling \$42,865,000
- ❖ The Forest Service is provided unallocated funds for projects and to cover costs for technical assistance, program administration and State assessment and planning equaling \$22,135,000
- ❖ Congress backed off several directives outlined in earlier mark-up bills

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Pumpkin Brook Link Closes in Massachusetts

By Neal Bungard, Durham, NH

The Pumpkin Brook Link is a 136-acre forested tract located adjacent to the Squannacook Wildlife Management Area and is less than a mile from the Hunting Hill Conservation Area. The land was most recently bought in 1960 along with house and farm. The landowner sold off the house and farm but held onto the forested tract because he wanted to do something with the property. He decided that conservation

of the property was the best use of the land, the Forest Legacy Program allowed his heirs to carry out his intent for the land. The land was protected by a conservation easement to be held by the Town of Shirley Conservation Commission. The total cost of rights acquired is \$775,000, and the Forest Legacy payment is \$250,000. The closing was on October 9, 2001.



*Protecting Important
Forests from Conversion
to Nonforest Use*



North Carolina Partnership Closes Phase II

By Liz Crane, Atlanta, GA

Phase II of the Town Creek project, located between Wilmington, NC and Myrtle Beach, SC closed on September 20, 2001. International Paper Company will continue forest management practices on approximately 1,250 acres of the 1,500 acres. The remaining 250 acres located in the riparian area have a more restrictive easement held by the State of North Carolina Clean Water Trust Fund. The total value of the interests in Phase II is \$3,017,480 and

the Forest Legacy payment was \$2,650,000. The North Carolina Coastal Land Trust contributed \$2,600 in cash and the State paid for the remainder. Phase I of the Town Creek project placed 1,082 acres of International Paper Company lands under conservation easements. With the completion of Phase II, a total of 2,591 acres will remain in forest use. This project connects several other tracts of privately protected lands along this unique water body.

Land Protected to Date (including donations and state purchases)

State	Projects	Acres	Total Value	FLP Payment
California	2	3,275	\$4,850,000	\$40,000
Connecticut	12	1,261	\$2,271,000	\$390,000
Illinois	3	143	\$584,000	\$492,000
Maine	5	31,398	\$7,293,000	\$5,793,000
Maryland	3	668	\$775,000	\$0
Massachusetts	10	1,388	\$7,021,000	\$3,680,000
Minnesota	2	251	\$504,000	\$238,000
Montana	2	66,255	\$14,292,000	\$4,795,000
New Hampshire	14	12,797	\$5,112,000	\$1,804,000
New Jersey	4	2,340	\$13,112,000	\$1,662,000
New York	6	1,555	\$4,673,000	\$2,403,400
North Carolina	2	2,341	\$5,305,000	\$4,050,000
Puerto Rico	9	1,468	\$1,577,000	\$792,000
Rhode Island	5	598	\$1,265,000	\$1,265,000
South Carolina	1	571	\$1,428,000	\$975,000
Utah	11	28,862	\$26,565,000	\$6,970,000
Vermont	11	50,955	\$8,358,000	\$5,707,000
Washington	11	3,411	\$19,771,000	\$10,219,000
TOTAL	113	209,537	\$124,756,000	\$51,275,400



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National Association of State Foresters Debate Resolutions Regarding FLP

By Rick Cooksey, Washington DC

The Working Lands Conservation Committee presented three resolutions to the NASF at their Annual Meeting held in Hot Springs, Arkansas, October 1-4, 2001. The resolutions were proposed to address growing concerns by the committee and several individual State Foresters. The resolutions and their outcomes are:

Minimum Funding for a Viable State Program

Due to concerns over increasing amounts of project earmarks and the impact on the ability for all participating states to maintain a program, this resolution recommends that all projects be selected through the process outlined in a state's Assessment of Need and that an annual appropriation of non-earmarked, non-directed FLP funds be allocated to allow every state eligible for the program to participate. *NASF action – Approved*

Ownership of Acquired Interests

Due to a concern over the movement towards authorizing land trusts or other non-governmental organizations to hold title to interests in FLP project lands this resolution acknowledges the important role of non-profit and non-governmental

organizations, but asserts that FLP goals and objectives are best obtained and served, in the near and distant future, when the title to interest acquired are held by the state or federal unit of government. *NASF action – Tabled.* Significant debate occurred around this resolution and a proposed amendment was offered, but agreement could not be reached. NASF will work on the resolution in committee and present an alternate approach to the NASF Executive Committee later this year.

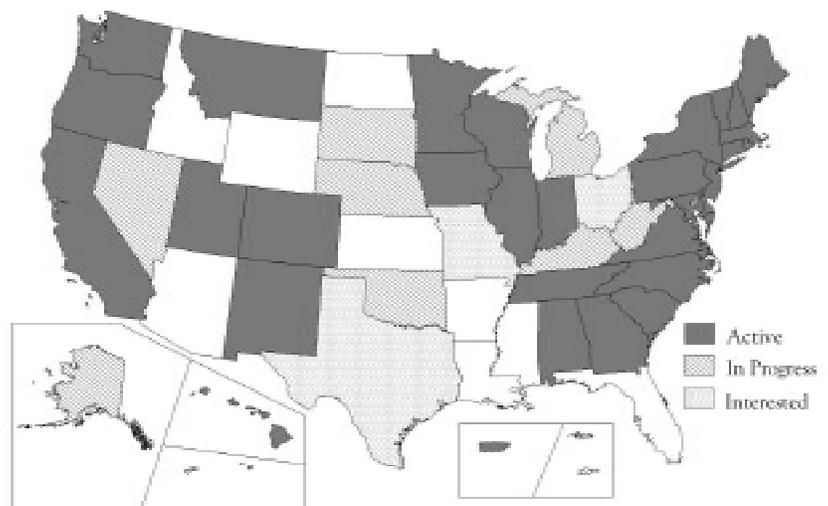
The Ability to Exercise the Right to Conduct Traditional Forestry Practices

Due to concern in at least one state that actions are being taken to further restrict the right to extract timber on FLP project lands after they enter the program this resolution recommends that FLP funds should not be used to purchase interests from landowners who will restrict the exercise of that right unless it is by mutual consent of the landowner and the owner of the interest(s) acquired and should be approved by the easement holder. *NASF action – Approved*

Appropriations cont'd

- The conference agreement now requires the Forest Service to notify (vs. gain approval by) the House and Senate Committees on Appropriations in advance of undertaking specific Forest Legacy projects
- The conference noted a recent revision to the Puerto Rico FLP standards and accordingly direct the Forest Service not to follow the House direction concerning a moratorium on the Commonwealth's program

Forest Legacy Program Activity





Forest Legacy News

FLP Managers Meet

Over 75 State and Federal Forest Legacy Program managers met on October 3-4 in Kent Narrows, Maryland following the Land Trust Rally. Participants discussed a variety of issues such as federal appraisal standards, revision of the Forest Legacy Guidelines, publishing of the first Forest Legacy National Report, fiscal year 2002 Appropriations, Forest Legacy Grant Management, and monitoring of conservation easements. Success stories were shared among the 31 participating states and territories. The meeting contained a special panel session with invited Washington DC leaders from national conservation organizations and the federal government.

Seven New States

Alabama, Colorado, Georgia, Iowa, New Mexico, Oregon and Pennsylvania completed their Assessment of Need (AON) documents. The AON utilizes existing information to assess the condition and values of the forest including important scenic, cultural, fish, wildlife, recreation resources, riparian areas and other ecological values. Each AON provides an analysis of the threats to conversion of forests to non-forest uses. It also lists the goals and

objectives of that State's Forest Legacy Program, describes the eligibility criteria for Forest Legacy Areas, and articulates the process the State will use to determine the priority of acquisitions. State participation in the Forest Legacy Program is voluntary. A total of 31 states and territories are now participating in the Forest Legacy Program.

Land Trust Rally 2001

Over 1,400 people from 48 states and 18 countries participated in the Land Trust Rally held in Baltimore, Maryland September 29 through October 2. It is the only conference especially for land trusts and those involved in private land protection efforts. It brought together land trust professionals, attorneys, appraisers, public agency staff to learn about private land protection, emerging legal issues, funding mechanisms, organization management, and the latest public policy developments. Field trips, seminars and over 120 concurrent workshops included topics such as tax law, land transactions, drafting and negotiating conservation easements, public policy, partnerships, and working lands conservation. Next year's Rally will be held in Austin, Texas on October 26-29, 2002.

The Forest Legacy Program was established in the 1990 Farm Bill. State and Federal partners implement the program together. Information sharing occurs in many ways including this periodic update. If you would like to receive a copy, please send a request to *Forest Legacy*, USDA Forest Service, 1720 Peachtree Road NW, Atlanta, GA 30309.

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