

# Introduction to the Forest Legacy Program - Federal and State

## *The Federal Forest Legacy Program*

The Forest Legacy Program (FLP) is designed to identify and protect environmentally important private forestlands threatened by conversion to non-forest uses. The FLP was established under the authority of the Cooperative Forestry Assistance Act (CFAA) of 1978, as amended in the 1990 Farm Bill (Food, Agriculture Improvement and Reform Act, [16 U.S.C.2103c et.seq.]).

As defined by statute, environmentally important forestlands must possess one or more of the following:

Ecological values

- Opportunities for continuing traditional forest uses
- Fish and wildlife habitat
- Threatened and endangered species
- Riparian areas
- Public recreation opportunities
- Cultural resources
- Scenic resources

The Secretary of Agriculture is authorized to provide financial, technical, educational, and related assistance to state, community, and private forest landowners, and is authorized upon request to make a grant to the state to carry out the FLP in the state, including the acquisition by the state of lands and interests in lands. The goal of the program is to identify and protect important forest areas and aid in conservation through the purchase of conservation easements. No more than seventy-five percent of total payments can be paid by the Federal government for the Forest Legacy Program. State, local, and private interests must come up with the remainder.

Easements purchased may include a variety of property rights, but most often restrict development and subdividing. Any restrictions placed on the land are carried over in the event of sale. A state cannot use eminent domain to acquire lands. All landowners that join must volunteer. Federal appraisal standards and acquisition rules must be followed for the acquisition of lands or interests in lands.

Interests in lands primarily consist of donated or purchased easements which allow landowners to continue using their forests in traditional ways while preventing the conversion of these forests to agriculture, residential areas, or commercial developments. While easements established under the Forest Legacy Program may not require public access, a landowner may allow public recreation on his or her land as long as it does not conflict with the Forest Legacy Program goals and management objectives for the property.

Conservation easements and the Forest Legacy Program offer an alternative to outright government ownership of land while protecting private forestland from conversion to non-forest uses. Under FLP, environmentally important forestlands are identified and easements used to retain and maintain these forests. Under the State Grant Option, the State or its designated representatives shall transact all Forest Legacy Program acquisitions. When a conservation easement is purchased using Forest Legacy funding, the state or its designated local unit of government must hold the easement. Landowner participation will be entirely voluntary. Forest Legacy Funds may be used to support eligible conservation organizations for activities related to donations of conservation easements. When a conservation easement is donated on behalf of the Forest Legacy Program (to receive credit as a match) to an eligible non-governmental conservation organization, that organization may hold the easement.

This Assessment of Need (AON) is intended to identify the important forestlands threatened by conversion for non-forest uses. Public review of these Forest Legacy Areas enables the FLP to designate them as Forest Legacy Areas (FLAs). Federal Forest Legacy funds may be used to purchase conservation easements within the Forest Legacy Areas.

The Forest Legacy Areas must meet the National Eligibility Criteria in order to qualify for participation in the Program. To be eligible for the Forest Legacy Program, the proposed area must meet the following National criterion:

- “Be an environmentally important forest area that is threatened by conversion to the non-forest uses.” (Individual States are responsible for determining their definition of ‘threatened’ and the definition of ‘environmentally’ important forest areas.)

- “Environmentally important forest areas shall contain one or more of the following important public : values, as defined by the States:
  - Scenic resources;
  - Public recreation opportunities;
  - Riparian areas;
  - Fish and wildlife habitat;
  - Known threatened and endangered species,
  - Known cultural resources;
  - Other ecological values; and/or

Provide opportunities for the continuation of traditional forest uses, such as forest management, timber harvesting, other commodity use, and outdoor recreation, as defined in the AON.”

In addition, since many tracts may qualify for the FLP, states are requested to establish additional criteria to prioritize acquisition proposals. These criteria have been developed for Wisconsin and are included later in this document.

This Assessment of Need evaluates the forest resources of Wisconsin in view of the National Eligibility Criteria to fit Wisconsin’s needs. In the process we have defined “environmentally important”, “traditional forest uses” and “threats” to Wisconsin’s important forests.

### *The Forest Legacy Program in Wisconsin*

In 1991, Governor Tommy Thompson designated the Wisconsin Department of Natural Resource’s Division of Forestry as the Lead Agency to implement a Forest Stewardship Program for the state with State Forester, Charlie Higgs, acting as the official state representative. In 1998 the Forest Stewardship Committee studied and discussed participating in the Forest Legacy Program. Current State Forester, Gene Francisco, recommended that Wisconsin proceed with the application process to participate in the Forest Legacy Program.

The Forest Stewardship Committee created a Forest Legacy Subcommittee in July 1998 to evaluate the potential benefits for Wisconsin of participating in the Forest Legacy Program.

The sub-committee met on a regular basis to share information. They gathered information from the USFS, other states, other agencies and other bureaus relating to the FLP. They also held a meeting on December 8, 1998, inviting others administering land easement programs to attend and discuss their programs. Mary Jean Huston of The Nature Conservancy and Tracey Teodecki, from the WDNR Bureau of Facilities and Lands presented on their easement programs.

In May of 1999, Governor Thompson requested that the Wisconsin DNR, Division of Forestry, be designated as the lead agency to conduct activities related to the establishing and developing of a Forest Legacy Program in Wisconsin. The USDA Forest Service granted the State funds to complete an Assessment of Need for the FLP.

As appropriate, periodic review and revision of this assessment will be made to meet the future needs of the forest resources on behalf of the citizens of Wisconsin. The Wisconsin Forest Stewardship Program and its coordinator will advise the federal government of the on-going activities during the implementation of the Forest Legacy Program in the State.

Wisconsin will utilize the statewide AON to highlight environmentally important forestland in danger of being converted to non-forest uses in the next decade. The intent is to focus the combined resources of groups that regularly acquire interests in land on the problems of forest fragmentation and forest loss in Wisconsin. The Forest Stewardship Committee will provide oversight by helping to establish the priority of individual tracts of land and by providing overall philosophical guidance. Prioritization will be accomplished through the adoption of the ranking system described in this document.

The State Forest Stewardship Committee intends that any area identified in the Assessment of Need warrants conservation work. It is not necessary that these lands be designated as Forest Legacy Areas for conservation work to begin. It is the intent of the Committee that this Assessment will be used by the Department and other resource

conservation groups to direct limited resources to areas defined by the public as in need of protection with or without Forest Legacy Funds. However, the Committee will direct resources for acquiring conservation easements obtained through the Forest Legacy Program only to those areas designated as Forest Legacy Areas.

The Forest Legacy Subcommittee developed the following mission statement, approved by the full Committee, as its guidance for developing the Forest Legacy Program in Wisconsin:

*The Goal of the Forest Legacy Program in Wisconsin*

**To minimize fragmentation and conversion of significant forested areas to non-forest uses, through the wise administration of conservation easements, that focus on the sustainable use of forest resources.**