Public Involvement Process and Comments

Report from the Forest Legacy Sub-committee, January, 1999

Background: At the July, 1998, Forest Stewardship Advisory Committee meeting, it was decided that a sub-committee of the whole be assigned to research and assess the USDA Forest Legacy Program (FLP) to determine whether it was a program we wished to implement in Wisconsin.

The subcommittee, consisting of Felipe Avila, WDNR-Forestry; Miles Benson, Governor’s Council on Forestry; Dave Ferris, WLWCA; Mary Jean Huston, The Nature Conservancy and Linda DePaul, WDNR-Forestry, met formally twice and informally through e-mail and phone conversations to share information. The sub-committee gathered information from the USFS, other States, other agencies and other Bureaus relating to the FLP. They also held a meeting inviting others groups administering land easement programs to attend and discuss their programs.

The sub-committee recommends that Wisconsin start the process of becoming eligible for application into the Forest Legacy Program by preparing a State-wide assessment of need as required by the USFS. They further recommend that:

a) the Forest Stewardship Advisory Committee adopt the following goal,
b) consider the other recommendations outlined, and
c) expand the sub-committee to include others, as needed, to bring in additional expertise to begin designing the format of the Assessment of Need (AON).

The Sub-committee recognizes that the potential benefits of the program for preventing forest fragmentation are essential to the forest protection of Wisconsin’s private forest land and have developed the following goal statement for the Program.

Goal of the Wisconsin Forest Legacy Program:

To minimize fragmentation of significant forest areas through wise administration of conservation which focus on the sustainable use of forest resources.

Opportunities and Challenges

The group developed a working list of opportunities and challenges they anticipate through Wisconsin’s involvement in the Forest Legacy Program. These are some areas the sub-committee feels are potential advantages of implementing a FLP and some challenges to be addressed during the process. In addition to preventing forest fragmentation on private lands the FLP will provide the following benefits:

Issues:
• potential for local partnerships
• local/private implementation
• Can enhance existing programs at a landscape scale
• potential to define and target areas as significant
• permanent method to hold land in forest
• a tool to address potential threats to the forest
• a tool to help insure forest resources for future uses
• to encourage sound forest management practices
• encourages landowners to think about long-term role of their forest
• ability to use this program to address and incorporate all forest amenities into a single program
The next list of "challenges" are worth recognizing early in the development process and should not deter the overall focus of the program on private forests and forestry issues:

* brings in federal program with some unknown "strings"
* extra program costs in administration promotion, selection, monitoring and enforcement.
* need to first have an assessment completed and may need extra funding to accomplish this challenge to keep program focused on the goal with some many outside interests trying to influence the program direction
* difficult to set up criteria for selecting regions and sites for participation

Recommendations to the Forest Stewardship Advisory Committee:
1. Advise the Forest Stewardship Committee to move forward with the program.
2. Enhance core subcommittee by adding representation from selected fields.
4. Explore other avenues to move towards overall program objective.
5. Look for additional federal guidance.
6. Select some general site criteria.
State asks citizens for help in identifying and protecting forest lands

MADISON - State forestry officials are asking the public to help draw up guidelines for a federally funded program that will protect environmentally important forest lands from development and conversion to other-than-forest land uses.

The Forest Legacy Program provides grants to states to assist in the direct purchase and purchase of conservation easements on private forest land. The Legacy program was established as part of the 1990 Farm Bill. It would complement the existing Farmland Protection Program and provide public benefit by placing large blocks of private forestland into perpetual conservation easements.

Wisconsin would be the 18th state to establish eligibility for this program, according to Linda DePaul, Department of Natural Resources forester. As part of the application process, all states joining the program must prepare a plan that identifies environmentally important forests in the state that are threatened by conversion to some other use.

“We’re asking the public to help us draw up the criteria that would go into the plan. The Forest Legacy Program is designed exclusively for private forest landowners who wish to ensure that their properties will always remain in forest,” DePaul said.

States are allowed considerable freedom in establishing criteria for their Forest Legacy areas and in preparing the conservation easements. In addition to maintaining large blocks of forested land, Forest Legacy seeks to protect water quality, rare plant communities, areas of scenic or historical value and critical wildlife habitat.

“We want to complete Wisconsin’s assessment by August 2000,” DePaul said. “States are allowed to draw up their own guidelines based on a combination of public input and that of our professional foresters. For the plan we must develop criteria for what lands can be enrolled, what types of access or recreation would be required or allowed on enrolled lands, and size requirements. How Wisconsin sets up its program is up to the citizens of Wisconsin.”

Anyone with ideas on how the state should do this may contact DePaul at (608) 266-2388; write to Forest Legacy, Wisconsin DNR, PO Box 7921, 101 S. Webster, Madison, 53707; or contact DePaul by email at depaul@dnr.state.wi.us.

Willing owners who are accepted into the program can sell all or part of their ownership rights. The government will pay for these rights at full fair market value. The owner keeps any remaining property rights and may continue to live on the land.

“Requirements to enroll in the Legacy Program are minimal,” according to DePaul. “The only right that must be sold is the right to develop the land and there must be a land management plan. The whole purpose of the program is to protect forests from conversion to non-forest uses.”

Selling development rights to their property does not mean landowners can’t harvest timber from the land. A management plan including periodic timber harvests is allowable, as is a plan that prohibits harvest - as long as the land remains in forest.

“Forest Legacy gives private landowners a way to conserve the special values of their land for future generations,” said Gene Francisco, DNR chief of forestry. “Owners can sell their remaining property rights to other buyers at any time but the development rights are reserved by the government for all time.”
Forest Legacy Program Update

Linda DePaul

The first period for public comment for the Forest Legacy Program has ended and I am in the process of summarizing the results. However, I wanted to take this opportunity to remind all DNR employees that you can send me your comments any time. Although the Forest Legacy Program is technically a USFS program administered through the states, please do not think about this as a program for now. This assessment process is to develop a working document that will be useful far beyond the scope of any single federal or state program because it addresses the priorities for protecting our private forest lands. For those of you who work with private landowners, it is like trying to decide which property has more value to the public than another. This is a very tough call, but unless we start looking at the state as a whole and what our private lands contribute, we’ll be taking a ‘shotgun approach and may never a impact with our dollars.

The Forest Legacy Program is asking us to assess the private forest lands in the state and prioritize where we would spend money to ensure that they remain as working forests for perpetuity. The thought process that goes into developing this guidance could be useful in looking at any type of prioritizing for cost-share dollars, additional program or even personnel in the future, for instance. It is also giving the public a chance to look at the same tradeoffs that we as agencies, are always forced to make in providing services to the public with limited resources. Do we want to provide essentially “first-come-first-serve’ customer assistance, prioritize requests, group requests until we reach some geographical size, or some other approach? Is the urban-forest interface of paramount importance to protect from sprawl into forest, or perhaps the riparian corridors because of their use for recreation, fish, animals and water quality are of primary concern?

There are no right answers, but I am interested in hearing your thoughts. If you, or another group you work with, would like to comment, send your comments to me at: Bureau of Forestry, FR/4, 101 S. Webster, P.O. Box 7921, Madison, WI 53707-7921; e-mail worksiustaswell.

Published May 2000 in The Timberline Newsletter
Wisconsin Preparing to Enter the Forest Legacy Program

Linda DePaul

The Wisconsin Department of Natural Resources is seeking approval to enter the National Forest Legacy Program. Wisconsin is in the preliminary eligibility review phase of the process. The Forest Legacy Program (FLP) funds grants to states to assist in the purchase of conservation easements on private forest land. The purpose of this program is to protect private forest land from conversion to non-forest uses.

This program was developed in response to a growing national concern about the loss of our nation’s productive private land base. Established as part of the 1990 Farm Bill in the Forestry Initiative, it is an entirely voluntary program both for the states and the landowners. It complements the existing Farmland Protection Program and provides public benefit by placing large blocks of private forest land into perpetual conservation easements.

To date over 90,000 acres of forest land in thirteen states have been placed in conservation easements—under this program. While forest legacy is a national program in scope, states are allowed considerable freedom in establishing criteria for their Forest Legacy areas and in preparing the conservation easements. In addition to maintaining large blocks of forested land, forest legacy areas are also established with the additional goals of protecting water communities, areas of scenic or historical value and critical wildlife habitat. The working forest concept is encouraged, where appropriate. Long-term management plans are required on all easement acquisitions.

Wisconsin will be the eighteenth state to establish eligibility for this program. All states joining the Forest Legacy Program must prepare a plan, referred to as an “assessment of need” (AON). This plan identifies the threat of land use conversion facing environmentally important forests in the state. Program objectives are spelled out, areas identified, and the criteria for ranking acquisitions within these areas are determined during the process of developing and preparing the AON.

Public involvement is needed in the development of the AON. Currently, DNR Forestry is the lead agency for this program in Wisconsin and is compiling a list of agency contacts, organizations and individuals who would like to be notified of the progress on Wisconsin’s “assessment of need.” Contact Linda DePaul, Forest Legacy Coordinator, if you or an organization you work with would like to be included on the Forest Legacy program mailing list.

Published December 1999 in The Timberline Newsletter
February 7, 2000

County Administrators
Governor's Council on Natural Resources in Northern Wisconsin Wisconsin
Woodlands Owner’s Association
Wisconsin Land & Water Conservation Association

Subject: Forest Legacy Program for Private Forest Landowners

Dear Local Official:

We are in the process of developing a new program for Wisconsin’s private forest landowners aimed at insuring working forests in the future. The program called the Forest Legacy Program, is a federal program created to protect private forestland for future generations while ensuring that their property rights are secure. We are requesting your input in establishing the direction this program should take in Wisconsin. Specifically, whether you feel this program would be of value in your area and in how we define “environmentally important forests.”

The enclosed brochure briefly describes the Forest Legacy Program (FLP). Through this program the State can purchase all or some of a property-owners rights, such as the right to develop the land, in order to retain large blocks of private forest and the amenities they provide. In order to qualify for the program each state is required to submit an assessment of need describing the private forest resource, threats to the resource, and areas identified for protection or inclusion into program. Within these designated areas, we would then outline the criteria we would use in selecting properties for easement or fee simple purchase. It would not take property off the tax roles, it is not required that the property be open to the public, although we could add that as a provision at the State level. It does not limit nor require timber cutting, although the intent is to retain “wog” forests.

Based on the above information and that provided in the brochure, how would you or your organization like to see “environmentally important” forests defined for FLP?

If you would like to provide comments or suggestions, please send them by February 29, 2000, to: Linda De-Paul, Bureau of Forestry, 101 S. Webster, P.O. Box 7921, Madison, WI 53707-7921.

Sincerely,

Gene Francisco
Chief State Forester
September 15, 2000

Subject: Forest Legacy Program for Draft Assessment of Need

Dear Interested Party:

In the past few months you express an interest in the proposed program for protecting important privately-owned forests called the Forest Legacy Program. Briefly, this program matches federal dollars with state funds to purchase the development rights of private forestland that are in danger of being lost to development or other conversion. This program is completely voluntary and allows the landowner an option of offering their property for participation.

The comments you submitted earlier this year helped us complete an assessment of Need for the Program. The AON describes what and where the most critical privately-owned forests are located and how we would target federal dollars to purchase the perpetual development rights on significant private forestland. We are asking your assistance again in reviewing the enclosed draft Assessment of Need and providing comments back to our office.

I would like to direct your attention, in particular, to the sections of the document that discuss what are environmentally important forest, what are the threats to these forest, where they are found and criteria for selecting priority properties within the state. There are two maps of the State enclosed as well that represent two versions of the areas, referred to as Forest Legacy Areas, where the most significant forests for this program would be found. The boundaries and locations of these areas are open to comment as well.

While there are still sections to add regarding additional background and status of the state’s resources, the important element of the program are captured in the draft. Once we receive your comments they will be noted and incorporated into documents if possible. The AON then goes to the US. Forest Service for review. If accepted, Wisconsin may participate in Program.

If you would like to provide written comments or suggestions, please send them by October 6, 2000, to: Linda DePaul, Bureau of Forestry, 101 S. Webster, P.O. Box 7921, Madison, WI 53707-7921.

Sincerely,

Gene Francisco
Chief State Forester
### List of Recipients for Direct Mailing

#### Assessment of Need Outreach

<table>
<thead>
<tr>
<th>Company</th>
<th>Address1</th>
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<td>305 E. Walnut St.</td>
<td>Washburn, WI 54891</td>
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<td>Post Office Box 23600</td>
<td>7410 Cth ‘K’, #102</td>
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<td>711 N. Bridge Street</td>
<td>Alma, WI 54610</td>
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<td>517 Court St.</td>
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<td>Environmental Health Division</td>
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Outagamie Co. Pl. & Zoning
Ozaukee Co. Env. Health Dept
Pepin Co. Zoning Office
Pierce Co. Dept Of Land Mgmt
Polk Co. Zoning Office
Portage Co. Pl. & Zoning Dept
Price Co. Zoning Admin.
Clement, Arnold L., Director
Reu, Mrs. Earl
Richland Co. Zoning Office
Rock Co. Dept Of Pl. Dev.
Rusk Co. Zoning Office
St. Croix Co. Zoning Office
Sauk Co. Pl. & Zoning Office
Sawyer Co. Zoning Admin.
Shawano Co. Pl. And Zoning
Sheboygan Co. Pl & Res.
Se Wi Regional Planning Com
Smartwood Lake States Prog
Taylor Co. Zoning Office
Trempealeau Co. Zoning Dept.
Vernon Co. Sanitation & Zoning
Vilas Co. Zoning & Planning
Walworth Co DLM
Washington Co. Zoning Dept.
Mueller, Paul E. Director
Waukesha Co. Land Use Dept
Waupaca Co. Zoning Admin.
Waushara Co. Zoning Office
Winnebago Co Pl & Zoning
Wood Co. Planning & Zoning
54495
Wi Woodland Owners Assn.
Wunnicke, Mr. Gene H.

Susan L. Baldwin, Dir.
Community Svcs Ctr
Courthouse
410 South Walnut St.
Meaux, Thomas Admin Crd
Cthse, 740 7th Av. West
414 West Main Street
100 Polk County Plaza
County-City Building
Normal Bldg., Room 205
Racine Co. Pl. & Dev. Div
N2243 Struck Rd.
Courthouse
Courthouse
St. Croix Govt Center
West Square Building
Po Box 668
Courthouse
Courthouse
916 N. East Ave.
Mr. Fred Clark
224 South Second St.
Po Box 306
Courthouse
Courthouse Annex
Courthouse
Washington Co. Land Use
1320 Pewaukee Road
Courthouse
Courthouse
448 Algoma Blvd.
Cths, 400 Mkt. St.
P.O. Box 285
26460 State Hwy 130
Route 2 Box 21a
301 Washington St.
Po Box 400
Po Box 994
Po Box 39
Po Box 647
Suite 130
1516 Church Street
14200 Washington Av
181 W Seminary
51 South Main St.
311 Miner Ave. East
1101 Carmichael Road
505 Broadway
311 North Main Street
615 N. 6th Street
P.O. Box 1607
P.O. Box 88
Post Office Box 67
Po Box 369
W3929 County Nn
Post Office Box 506
333 E. Washington St.
Room 230
811 Harding Street
Post Office Box 149
Post Office Box 2808
Po Box 8095
Sparta Wi 54656
Oconto Wi 54153
Rhinelander Wi 54501
Appleton Wi 54911
Port Washington Wi 53074
Durand Wi 54736
Ellsworth Wi 54011
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Whitehall Wi 54773
Viroska Wi 54665
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Elkhorn Wi 53121
Shell Lake Wi 54871
West Bend Wi 53095
Waukesha Wi 53188
Waupaca Wi 54981
Wautoma Wi 54982
Oshkosh Wi 54903
Wisconsin Rapids Wi
Stevens Point Wi 54481
Hillpoint Wi 53937
DATE:      July 18, 2000                                           FILE REF

TO:       Forest Legacy Program Subcommittee

FROM:     Linda DePaul

SUBJECT: Summary from the Initial FLP Public Comment Period

A letter out in February from Gene Francisco to all the county planning and zoning officials, as well as other organizations, asking for input on defining Wisconsin's environmentally import private forests. In addition to the letter, news releases went out across the state with the same request. Not only is defining these forests paramount to establishing a Forest Legacy 'in Wisconsin, but also it is important for determining where we should put the emphasis for private forest management.

The response from the news releases was great. However, most people, while supportive of the program as they understood it, wanted to enroll, not i.e suggestions. The direct mailing was more give productive although less prolific.

The following is a summary of the responses by various organizations.

**Southeastern Wisconsin Regional Planning Commission** representatives from 6 counties:
Suggested we use FLP to compliment existing programs in the SE. Lowlands have a number of programs but protection of the woodlands, particularly the upland woodlands Cited report (SEWRPC Planning Report #45, Dec. 1997 SEWRPC #42, September 1997 1.
1. Identify specific corridors from the report and protect the woodlands.
2. Focus on woodlands identified for forest 'interior restoration and private woodlands located within natural areas and critical species habitat sites.

(Maps indicating locations were included.)

**Ruth Badger, Representing DNR South Central Region:**
Expressed a desire and a lo i al argument for including the Baraboo Range. She highlighted the following: that there be recognition nationally as environmentally u'nportant, the threat to the area from a proposed expansion of US Highway 12 and the existence of a $5 million fund for acquisition, if there is at least $2.5 million in federal matching funds.

**Dodge County Planning and Development:**
Concerned about remaining forest in the county and wanted to see the smaller, but just as important Southern forests protected. Stated that when defining environmentally important forests we should focus on the function they perform, including maintaining rural diversity and character rather than site criteria.

**Wisconsin Woodland Owners Association** (representing approximately 2000 landowners):
Stated their group had mixed feeling. They expressed the following: 1. While they supported the concept of “working forests”, they felt that the federal funding for this program was uncertain, 2. They thought that with MFL another program was not needed; because they may be forced to open their land to the public and did not see an advantage if the landowners still had to pay taxes. It was further stated that the few who supported the program suggested these ideas:
- It not be used in urban areas that are facing high fragmentation and sprawl.
- It work with landowners adjacent to or surrounded by state, county, or Door County.

**Ralph Hovind:**
Wanted to the following areas included in the definition
- land around headwaters
- developable corridors near population centers
- buffet areas surrounding state parks, forests, etc.
- forest lands along major highways

**Bill Steigerwaldt representing The Trust For Public Land:**
Recommended using USFS guidelines for ranking priorities at the national level. The priorities are for protected adjacent lands, those facing threats of development and development potential.
Specifically,
1. A link to state or federal lands already protected.
2. Those lands threatened by conversion/development
3. Those lands contributing to the attainment of goals and objectives of the State ANO
4. Shows effective management and protection
   - context and connectivity
   - environmental, social and economic values
   - Strong evidence project can be completed

Specific recommendations:
1. Any development in the Milwaukee area towards Kettle Moraine SF and north to Fond du Lac and Lake Winnebago.
2. Door County
3. Oneida and Vilas Counties
4. Hayward area
5. Wisconsin Dells (or is too late?)
6. Superior-ruin or buffer from Superior cast along the Lake

**County of Kenosha - Planning and Development:**
Concerned that the FLP land will continue to be taxed. Woodlands taxed the highest and this is difficult for landowners to maintain. Fear that if there is no tax incentive for establishing an easement, and if state can later open the to the public, than not effective program.

**Clark Forestry Representing Smart Wood Lake States Program:**
Would like to work with the sub-committee as criteria is developed.

**Others:** Several landowners wrote in support They requested more information, when it is available.