

Incorporating Forest Legacy Program (FLP) Elements in the Statewide Forest Resource Assessment and Strategy

This document accompanies the *NAASF & NA Guide for Statewide Forest Resource Strategies*, which has an overview of the assessment and planning requirements to include in the State Assessment and Strategy. Please consult Section E (page 18) of that guide.

As background, the **FLP Purpose is:** ascertaining and protecting environmentally important forest areas that are threatened by conversion to non-forest uses and, through the use of conservation easements and other mechanisms, for promoting forest land protection and other conservation opportunities.

The previous Forest Legacy Program (FLP) planning requirements, that were manifested in the Assessment of Need (AON) must now be incorporated into the Statewide Assessment and Strategy, as required by the 2008 Farm Bill. States have the flexibility to make the planning documents work for their broader forest planning needs, but, there are specific FLP elements that must be included for States to participate in the Forest Legacy Program.

The tables below provide an overview and comparison of the “outcomes”, “participants”, and “key components” for both the Statewide Assessment/Strategies and FLP Assessment of Need. Highlighting indicates the common requirements across rows in the tables below. A suggested approach to incorporating the FLP requirements into the Farm Bill requirements is included in the third column.

The Outcomes		
Statewide Forest Resource Assessment Requirements	Prior FLP Assessment of Need (AON) Requirements	How to incorporate the FLP into the Assessment
<ul style="list-style-type: none"> • Ensure that Federal and State resources are focused on important landscape areas with the greatest opportunity to address shared management priorities and achieve measurable outcomes • Highlight issues and areas to address in the Statewide Forest Resource Strategy • Eligibility for Cooperative Forest Assistance Act (CFAA) funding 	<ul style="list-style-type: none"> • Seek approval for Eligibility Criteria, • Delineate Forest Legacy Areas, • Define environmentally important forest areas?, • Define threats of conversion to non-forest uses, • Define traditional forest uses/forest land, • The process by which the State will prioritize lands to be entered into FLP. 	<p>1. FLP Eligibility Criteria: Eligibility Criteria can include the required definitions. The Eligibility Criteria must be submitted for approval prior to proposing the Forest Legacy Area, preferably in the State Assessment but can occur in the State Strategy.</p> <p>2. Forest Legacy Areas Since the FLAs must meet the Eligibility Criteria, the FLAs must be proposed after the Eligibility Criteria and preferably in the State Strategy.</p> <p>3. Prioritizing lands for States' FLP Explain the FLP project/tract prioritization process preferably in the State Strategy</p>

Participants		
Statewide Forest Resource Assessment Requirements	Prior FLP Assessment of Need (AON) Requirements	How to incorporate the FLP into the Assessment
<ul style="list-style-type: none"> • State Forest Stewardship Coordinating Committee • State Technical Committee • State wildlife agency • Applicable Federal land management agencies • State Urban Forestry Council • Lead agency for the FLP or other CFAA program when the lead agency is not the State forestry agency • Other key partners 	<ul style="list-style-type: none"> • State Forest Stewardship Coordinating Committee • Broaden to include interests appropriate to benefit the FLP; e.g. Land Trusts • State Lead Agency that may or may not be the State Forestry Agency • Tribes may conduct an AON in consultation with the SFSCC 	<ul style="list-style-type: none"> • The same participants that are required to be consulted in the State-wide Assessment are also required to be consulted in the FLP AON. Be sure to broaden the represented interests to include Land Trusts. • Tribes may request to be included in the FLP. Tribe involvement may be through sponsorship of a Forest Legacy Area, which fits optimally in the State Strategy document.

Key Components		
Statewide Forest Resource Assessment Requirements	Prior FLP Assessment of Need (AON) Requirements	How to incorporate the FLP into the Assessment
<p>The State Assessment will highlight priority issues and landscape areas to be addressed in the long-term State Strategy.</p> <p>At a minimum, State Assessments will:</p> <ul style="list-style-type: none"> • Provide an analysis of present and future forest conditions and trends on all ownerships in the state • Identify forest related threats, benefits, and services consistent with the S&PF Redesign national themes • Delineate priority landscape areas in the state across themes and programs, ownerships, and the urban to rural continuum • Delineate any multi-state areas that are a regional priority <p>There is flexibility for the</p>	<p>The AON must address the following as they relate to the purpose of the FLP:</p> <ol style="list-style-type: none"> 1. Forest resource values including: <ul style="list-style-type: none"> • Aesthetic and scenic values; • Fish and wildlife habitat; • Public recreation opportunities; • Soil productivity; • Watershed values including water quality protection; • Threatened and endangered species; • Other ecological values as defined by the State. • Forest products and timber management opportunities; 2. The present and future threat of conversion of environmentally important forest areas to nonforest uses such as residential, energy, 	<p>The minimum requirements for State Assessments <u>must</u> be expanded to include the requirements of the FLP assessment (non highlighted items in the middle column) <u>if</u> the State wants to apply for FLP funds.</p> <p>Trends explored must include forest aesthetic and scenic values, public recreation opportunities on Private lands, Threatened and endangered species, forest products and forest management opportunities.</p> <p>Include an assessment of “traditional forest uses” and those which will be put forth to be maintained through the FLP.</p> <p>Also, include an assessment—perhaps spatially—of cultural resources, outstanding</p>

<p>content and structure of both the State Assessment and State Strategy.</p> <p>The NAASF Guide for State Assessments provides suggested core issues or themes for the geospatial analysis to identify priority areas: development pressure; forest fragmentation and parcelization; wildfire risk; forest health risk; fish and wildlife habitat; water quality and supply; and tree cover in urban areas.</p> <p>The National Guidance for State Assessments suggests including data to address the list of national objectives.</p>	<p>commercial or industrial development, minerals resource, oil & gas potential, and/or agriculture.</p> <p>3. Issues identified by the SFSCC and in the public involvement process.</p> <p>4. Historic uses of forest areas, trends and projected future uses of forest resources;</p> <p>5. Current forestland ownership patterns and size of tracts, trends and projected future forestland ownership patterns;</p> <p>6. Cultural resources</p> <p>7. Outstanding geological features;</p> <p>8. Protected land in the State, including Federal, State, and municipal lands and land trust organizations lands</p>	<p>geological features, and protected land in the State including Federal, State, and municipal land trust organizations.</p>
--	---	---

State Strategy Requirements	Prior FLP Assessment of Need (AON) Requirements:	How to incorporate the FLP into the Assessment or Strategy document
<ol style="list-style-type: none"> 1. Outline long-term strategies for addressing priority landscapes identified in the [State Assessment] and the national themes and associated management objectives. 2. Describe how the state proposes to invest federal funding, along with other resources, to address state, regional, and national forest management priorities. 3. Include a long-term timeline for project and program implementation. 4. Identify partner and stakeholder involvement. 5. Identify strategies for 	<ol style="list-style-type: none"> 1. Identification of applicable Eligibility Criteria; <i>The environmentally important forest areas shall contain one or more of the following important public values, as defined by the States:</i> <ol style="list-style-type: none"> 1. <i>Timber and other forest commodities</i> 2. <i>Scenic resources;</i> 3. <i>Public recreation opportunities;</i> 4. <i>Riparian areas;</i> 5. <i>Fish and wildlife habitat;</i> 6. <i>Known threatened and endangered species;</i> 7. <i>Known cultural resources;</i> 8. <i>Other ecological values.</i> 2. Identification of specific FLA(s) for designation; 	<p>The assessment of resources should lead the reader to understand why something is part of the Eligibility Criteria; Define the State <u>Eligibility Criteria</u> either specifically by identifying which public values will be included in the State definition, or more generally by referring to priority areas or portions thereof identified through the assessment process. This can occur in the Statewide Assessment as well.</p>

<p>monitoring outcomes within priority forest landscape areas and how action will be revised when needed.</p> <p>6. Describe how the state’s proposed activities will accomplish national S&PF program objectives and respond to specified performance measures and indicators.</p> <p>7. Describe how State and Private Forestry programs will be used to address priority landscape and management objectives.</p> <p>8. Incorporate existing statewide plans including Wildlife Action Plans, community wildfire protection plans, and address existing S&PF program planning requirements.</p>	<p>3. Specific goals and objectives to be accomplished by the FLP;</p> <p>4. Process to be used by the State lead agency to evaluate and prioritize projects to be considered for inclusion in the FLP. (The prioritization process should implement a strategy that enhances existing protected forestlands or local and State conservation strategies as outlined in the AON.)</p>	<p>The identification of FLAs can be deferred to the Strategy document; boundaries must be static.</p> <p>Project prioritization process should occur in the Strategy document.</p>
--	--	---

Requirements to identify proposed FLAs:	How to incorporate the FLP into the Assessment or strategy document
1. Location of each geographic area on a map and a written description of the proposed FLA boundary;	<p>This section can be included in the State Strategy document. All the FLA identification requirements are to be included similar to a land acquisition plan.</p> <p>See example of how to include FLA Identification Requirements #3 and #4 below.</p>
2. Summary of the analysis used to identify the FLA and its consistency with the Eligibility Criteria;	
3. Identification of important environmental values, and how they will be protected and conserved;	
4. The conservation goals or objectives in each FLA	
5. List of public benefits that will be derived from establishing each FLA;	
6. Identification of the governmental entity or entities that may hold lands or interests in lands (State grant option) or may be assigned management responsibilities for the lands and interests in lands enrolled in the program (Federal option); and	
7. Documentation of the public involvement process and analysis of the issues raised.	

EXAMPLE FOREST LEGACY AREA DESCRIPTION (from Delaware)

Goals of the White Clay Creek Legacy Area. (FLA ID Requirement #4)

Maintain and enhance this very diverse Piedmont stream valley, and associated biotic communities.

Protect the riparian corridors to maintain water quality, historic, and archaeological sites.

Reduce forest fragmentation by linking state, county and private lands and create public access to greenways.

Protection of the scenic and wild nature of the area.

Important Environmental Values. (FLA ID Requirement #3)

- Old growth forest, steep slopes, and old fields.
- Freshwater wetlands and stream valleys.
- Rare and endangered plant and animal communities and singular species.
- Historic and archaeological features.

Means for protection. (FLA ID Requirement #3)

- A. Acquisition of full-fee is appropriate for tracts within the White Clay Creek Forest Legacy Area, but acquisition of conservation easements is preferred.
- B. Acquire development rights on all tracts. Especially the rights to subdivide, construct buildings, and control utility right-of-way locations.
- C. Timber rights retained by the landowner should be conditioned by using "Best Management Practices," laws and regulations, and with the following provisions:
 1. All timber harvesting for a tract or tracts shall be on consultation with a professional forester. Departures from sustained yield are permitted only in limited response to forest diseases and insect infestations and salvage in the event of fire or natural catastrophe.
 2. Timber harvesting or cutting is prohibited within 150 feet of the high water mark of any stream, creek, river, pond, lake or other permanent surface waters.
 3. Timber harvesting (other than salvage cutting) is prohibited in old growth forests. Old growth forest means a stand of live trees over one acre in size that has an average age of 150 years. This restriction should be re-evaluated and possibly modified in fifty to one hundred years, depending on program effectiveness in the White Clay Creek Forest Legacy Area.
- D. Acquire access rights on all tracts. Exceptions would be upon the decision made by the state Stewardship Committee prior to the beginning of negotiations.
- E. To restrict the development on mining, drilling of mineral, sand and gravel pits to one acre or less and for the sole use of the landowner. Upon the landowner completion of operations, the land shall be reclaimed as much as practical to its original contour and re-vegetated. No commercial development will be allowed.
- F. No disposal of waste or hazardous material will be allowed on properties.
- G. Prohibit the use of signs and billboards on all properties, except to state the name and address of the property owner and/or provide Forest Legacy information and Forest Legacy Boundary information.
- H. To acquire the rights to allow all forms of non motorized access for the public.
- I. Existing dams or water impoundments or similar structures may be allowed to remain and be maintained. Exceptions will be agreed to prior to negotiations with the landowner. Any revision to the easement regarding existing structures may be revised only upon approval by the unit of government holding title to the easement.
- J. Industrial, commercial and residential activities, except forestry and limited mining uses are prohibited (see E above).