

**STATE OF SELECT STATE NAME  
FOREST LEGACY PROGRAM  
PROGRAM NARRATIVE  
FISCAL YEAR SELECT YEAR**

1. **BACKGROUND.** The Cooperative Forestry Assistance Act (CFAA) of 1978, as amended, (16 U.S.C. 2103c et. seq.) provides authority for the U.S. Secretary of Agriculture to provide financial, technical, educational, and related assistance to States, communities and private forest landowners. Section 1217 of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624:104 stat. 3359), also referred to as the 1990 Farm Bill, amended the CFAA and allows the Secretary to establish the Forest Legacy Program (FLP) to protect environmentally important forests areas that are threatened by conversion to non forest uses. This authority continues indefinitely. Through the 1996 Farm Bill (Federal Agricultural Improvement and Reform Act of 1996; Public Law 104-127; Title III - conservation; Subtitle G - Forestry; Section 374, Optional Grants for Forest Legacy Program), the Secretary is authorized, at the request of a participating State, 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.

2. **DESCRIPTION.** The Forest Legacy Program identifies and protects environmentally important private forest lands that are threatened by conversion to nonforest uses. Within this program, a State grant option exists. The State of SELECT STATE NAME wishes to exercise the State Option and is requesting a grant for the acquisition of lands or interests in lands located within our ENTER LEGACY AREA NAME Forest Legacy Area. ENTER TRACT DESCRIPTION. The State of SELECT STATE NAME wishes to purchase a SELECT RIGHTS TO BE ACQUIRED in the parcel of land in furtherance of the FLP pursuant to our State Assessment of Need submitted to and approved by the Secretary of Agriculture on SELECT AON APPROVAL DATE.

3. **FEDERAL ROLE.** The Federal role is to promote forest conservation through collaborating with the State of SELECT STATE NAME in protecting important forests that are threatened with development through a cost-share partnership. This purchase will help to implement the Northeastern Area Strategic Plan for 2004 - 2008 which calls for maintaining forest land area and reducing the rate of forest fragmentation (Strategic Objective 1A). The acquisition will protect the area from development and retain the land in traditional forestry use for both community and environmental values.

This tract is found in a Forest Legacy Area that the State identified and subsequently was authorized by the Secretary of Agriculture as having significant public values, values of both national and state significance. Specifically, the public values being protected for this area are: ENTER SPECIFIC PUBLIC VALUES PROTECTED.

Targets. During FY SELECT FISCAL YEAR the State will option the project that is a key element in the Forest Legacy land protection strategy. The project encompasses ENTER NUMBER OF ACRES acres in ENTER TRACT LOCATION SELECT 'COUNTY' OR 'TOWNSHIP'. The transfer of lands or interests in lands to the SELECT ENTITY of ENTER ENTITY NAME will occur by ENTER DATE (< 2-years).

4. **METHODOLOGY/TIMETABLE**

- a. The State of SELECT STATE NAME will use funds under this grant award for
  - 1) The acquisition of lands or interests in lands within the State, title to which will be held in the name of the SELECT ENTITY of ENTER ENTITY NAME. Said lands or interests in lands shall be administered by State agencies and their assigns;
  - 2) Real estate transaction costs for projects and donations, including but not limited to appraisals -- including review (excluding appraisals for donations), land survey, baseline information establishment, title opinion, title insurance, conservation easement negotiation and drafting.
- b. The State of SELECT STATE NAME in acquiring said lands or interests in lands shall insure the property meets the conservation objectives and goals of the Forest Legacy Program and the State Assessment of Need and assure the terms of a conservation easement or other property interest include terms:
  - 1) That require the landowner to manage the property in a manner that is consistent with the purposes for which the land was entered in the FLP and that the landowner shall not convert the property to other uses.
  - 2) That a governmental entity holds the lands or interests in land in perpetuity.

- 3) That the property provides for public use and access where suitable, subject to such reasonable regulations as may be necessary for public safety or resource conservation purposes.
  - 4) Generally prohibit the subdivision of the encumbered land.
  - 5) Provide for the protected area to be in a forested condition subject to silvicultural practices and commercial harvesting of timber products using accepted forestry practices consistent with State and Federal laws, regulations and currently acceptable best management practices. Up to twenty-five percent of the protected area may be in compatible nonforest uses as part of an undeveloped landscape, including cultivated farmland, pasture, grassland, shrub land, open water, and wetlands.
  - 6) Prohibit residential development, significant surface disturbance such as mining and drilling as well as industrial uses of the encumbered property. Commercial uses of the property must be consistent with the traditional forest uses defined in the State Assessment of Need.
  - 7) Promote the continued use of the traditional forest values and uses of the property following a written Forest Stewardship Plan, or other multi-resource Management Plan.
  - 8) The State of SELECT STATE NAME agrees to include in the deed for each tract upon which the interests will be acquired using Forest Legacy funds a statement saying that in the event the interests acquired with Federal funds made available through this grant are ever sold, exchanged, or otherwise disposed of, that the State shall reimburse the United States for the market value of the interests in land at the time of disposal, provided that the Secretary of Agriculture may exercise discretion to consent to such sale, exchange or disposition upon the State's tender of other equal valued consideration acceptable to the Secretary.
- c. In acquiring lands and interests in land, the State of SELECT STATE NAME shall ensure:
- 1) The landowner is informed of the market value and is notified in writing that eminent domain will not be used if amicable negotiations do not result in an agreed upon price.
  - 2) The title is free and unencumbered or that title insurance is secured in the name of the State for the full value of the encumbered property. Any encumbrance to the title must be deemed by the State as not affecting the purpose for which the land or interests in land is being acquired.
  - 3) The consideration paid to any landowner by this grant for the conveyance to the State of any lands or interests in lands is no more than the market value of the conveyed lands or interests as determined by an appraisal done by an appraiser licensed in the State of SELECT STATE NAME , who meets the qualifications specified in the Forest Legacy Program Implementation Guidelines in effect. Any appraisal shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 2000). A qualified review appraiser will attest to Federal Appraisal Standard conformance.
  - 4) The State of SELECT STATE NAME shall provide at least twenty-five percent (25%) of total program costs. This share of costs may be cash, and/or in-kind services or contributions.
  - 5) A Stewardship Management Plan or other multi-resource plan is prepared and approved prior to the acquisition of the easement. A plan is not needed if the landowner does not retain the right to harvest timber or conduct other land management activities.
  - 6) The State of SELECT STATE NAME or its assigns will monitor and manage lands for conformance to Forest Legacy purposes and/or the conservation easement to which they are subject, periodically, not less than annually.
- d. Upon completion of this Forest Legacy project, the State of SELECT STATE NAME agrees to publicly acknowledge (through news release, posting of Forest Legacy signs on the land, and/or include in publications) the USDA Forest Service and specifically the Forest Legacy Program as *the/a* source of funding for *this/these* project(s).
- e. As a condition of this grant, the State may be asked to consult with a Forest Service qualified review appraiser regarding how best to appraise the property.

f. The specific tasks of this project are tentatively scheduled to occur as follows:

<b>Item to be completed</b>	<b>Tentative date of completion</b>
1) Conservation easement is negotiated with the landowner	Month/Year
2) Conservation easement deed is reviewed and approved	Month/Year
3) An appraisal is completed in compliance with Federal appraisal standards	Month/Year
4) Appraisal review assures compliance with Federal appraisal standards	Month/Year
5) Title abstract is completed and Title Insurance is secured for property	Month/Year
6) State approval for State purchase of lands or interests in land is cleared	Month/Year
7) Provide documentation to the landowner stating the following:	Month/Year
a. the market value as determined by an independent appraisal completed in compliance with Uniform Appraisal Standards for Federal Land Acquisitions	
b. that the sale of the property is voluntary;	
c. that the property will not be purchased if negotiations do not result in an amicable agreement;	
8) Survey in compliance with acquiring entity standards completed	Month/Year
9) Stewardship Plan complete and approved by the State	Month/Year
10) Closing – Payment to Landowner and recording of conservation easement	Month/Year
11) State publicly acknowledges the USDA Forest Service Forest Legacy Program as a source of funds for the project(s)	Month/Year

5. Budget Information

Acquisition of lands or interests in lands

<b>Tract Name</b>	<b>Area (acres)</b>	<b>Total Value of Rights to be Acquired</b>	<b>Non Federal Cost Share</b>	<b>Forest Legacy Grant Request</b>
<b>TOTAL</b>				

<b>Acquisition Activity related to this grant</b>	<b>Non Federal Cost Share</b>	<b>Forest Legacy Grant Request</b>
Negotiations		
<b>TOTAL</b>		