

STATE OF []
FOREST LEGACY PROGRAM
PROGRAM NARRATIVE
FISCAL YEAR 200_

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 exist. The State of _____ wishes to exercise the State Option and is requesting a grant for the acquisition of _____ tract located within our _____ Forest Legacy Area. *(Describe Tract)* The State of _____ wishes to purchase a *(fee simple interest/conservation easement)* 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 _____.

3. FEDERAL ROLE. The Federal role is to promote forest conservation through collaborating with the State of _____ 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 2000 - 2004 which calls for maintaining a viable forest land base to ensure the production of economic, environmental and social benefits over the long term (Strategic Priority 4). The acquisition will protect the area from development and retain the land in traditional forestry use for both community and environmental values, as well as, provide public access for passive recreational uses. 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: _____.

Targets. During FY _____ the State will option the *(name of parcel/s)* parcel that is a key element in the Forest Legacy land protection strategy. The *(name)* tract encompasses *(#)* acres in _____ county/township. The transfer of lands or interests in lands to the *State/County/Town* (Choose one) of _____ will occur by September 30, *(end of fiscal year or other appropriate date within two years of Start-date of grant)*.

4. METHODOLOGY/TIMETABLE

a. The State of _____ will use all such grant funds under this award for the acquisition of lands or interests in lands within the State, title to which will be held in the name of the *State/County/Town* of _____. Said acquisition will be subject to [*management and administration* (for fee purchase) / *a conservation easement that describes management* (for conservation easement)] compatible with the tract values and forest uses for which it will join the Forest Legacy Program. Said *lands/interests shall be managed/administered* (for fee purchase/for conservation easement) by State agencies and their assigns.

- b. The State of _____ in acquiring said lands or interests in lands shall insure that the property:
- 1) Meet the conservation objectives and goals contained in the State's Assessment of Need and a governmental entity holds lands or interests in land in perpetuity.
 - 2) Generally provides for public use and access where suitable, subject only to such reasonable regulations as may be necessary for public safety or resource conservation purposes.
 - 3) Generally prohibit the subdivision of the encumbered land.
 - 4) Provide for permanent forest cover subject to commercial harvesting of timber and timber products using accepted forestry practices consistent with State and Federal laws, regulations and currently acceptable best management practices, provided that the title shall contain restrictions the State shall deem necessary or desirable to limit the size and frequency of clearcutting and to protect riparian areas from the adverse effects of logging, road building and associated practices.
 - 5) Prohibit residential development, significant surface and subsurface disturbance such as

mining and drilling or commercial or industrial uses of the encumbered property.
 6) Promote the continued use of the traditional forest values and uses of the property following a written Forest Stewardship Plan, or other Forest Reserve Management Plan.

- c. In acquiring lands and interests in land, the State of _____ shall ensure:
- 1) The landowner is informed of the fair 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 fair market value of the conveyed lands or interests as determined by an appraisal done by an appraiser licensed in the State of _____. Any appraisal shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 1992). A qualified review appraiser will attest to Federal Appraisal Standard conformance.
 - 4) The State of _____ 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) The State of _____ 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 fair 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.
 - 6) 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.

d. Upon completion of this Forest Legacy project, the State of _____ agrees to publically 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 with responsibilities for the Forest Service Area where the property is located, regarding how best to appraise the property.

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

5. BUDGET INFORMATION

Contracts (include land donated or purchased for State's cost share):

Project Name	Area (acres)	Total value of interests to be acquired	Total Federal (FLP) request

Total land or interests in land cost:

Federal request:

Nonfederal amount: