

# Forest Legacy Program -Monitoring Task Force

USDA Forest Service

**Northeastern Area**

State and Private Forestry



*To assure protected conservation values endure.*

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**Description:** The Forest Legacy Program has accomplished a great deal since it began. Over 1,135,000 (over 779,000 in the Northeastern Area) acres of important forests have been protected through conservation easements or fee purchases from conversion to non-forest uses. Attention must begin shifting to the task of ensuring that those properties continue to provide the conservation values for which they were protected. This is done through monitoring and enforcement. Monitoring is a systematic evaluation of activities and impacts on land to ensure that the terms of the conservation easement are followed. Monitoring is an ongoing, visible action which cements the partnership between the landowner and the Forest Legacy Program.

Conservation easements encumber land by transferring some of the real property rights to an entity other than the holder of the underlying fee. Conservation easements don't protect land; they set up the legal means to protect land. Through monitoring the easement holder can identify if there is any violation of the easement terms. If a violation is identified and an amicable solution cannot be found, an enforcement action may be necessary. It is the baseline documentation and the deviation from the baseline as documented through monitoring that form the evidence of a violation.

The issue of monitoring is a daunting one. Northeastern Area State and Federal partners decided to form a Forest Legacy Program Monitoring Task Force. The goal of this effort is to propose actions that will assure the conservation values protected through the Forest Legacy Program endure. Intermediate steps include developing a picture of the actual on-the-ground monitoring situation sharing lessons learned and to identify potential policy needs that should be implemented to ensure that FLP partnership can keep its promise of protecting important forests for future generations.

## **Key Issues:**

- States have said they may be delaying the establishment of conservation easement monitoring work plans, which may be because there is a lack of precedent or direction on how to establish a conservation easement monitoring program, or there may be insufficient funds at the State level to pay for the monitoring of FLP conservation easements.
- In many states, a formal mechanism to redeem the perpetual obligation to monitor FLP conservation easements has not been set up.

## **Project Status**

A series of recommendations have been developed in consultation with the task force. Currently, the Forest Service is discussing internally the best means to adopt the recommendations. The recommendations address organizational administration and organizational actions related to establishing a sound monitoring plan and carrying out the monitoring responsibility.

## **Future Direction:**

*The task force will recommend actions to the Area Director and the Northeastern Area State Foresters within the year.*

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