

VI. Oregon's Forest Legacy Program

The *Cooperative Forestry Assistance Act of 1978*, as amended by the 1990 Farm Bill, created the national Forest Legacy Program to protect environmentally important forest areas on private land for future generations. This program recognizes that the majority of the nation's productive forest lands are in private ownership and that private landowners are under increasing pressure to convert their lands to non-forest uses such as agricultural, housing or commercial development.

Oregon's Forest Legacy Program addresses privately owned forest lands in Oregon that are currently threatened by urbanization, agricultural, and other conversion pressures. It is designed to help private landowners and communities protect commodity as well as non-commodity forest resources recognized by public policy as providing significant public benefits, i.e., water flows and quality; fish and wildlife habitat, especially for threatened and endangered species; stores of carbon; and biodiversity. It will facilitate state, local and private resource conservation initiatives by assisting with the purchase of conservation easements or fee-title of private forest lands.

A. Forest Legacy goals and program objectives

Goals

- ☒ Conserve private forest lands in areas where forests may be lost to non-forest uses.
- ☒ Sustain forest resources such as river flows and clean water, fish and wildlife habitat, carbon stores, soil productivity, commercial and non-commercial timber, scenic quality, recreational opportunity, and biodiversity.
- ☒ Strengthen communities and facilitate state, local and private partnerships in forest conservation.

Program Objectives

- 1) Protect significant site-specific ecological, social and/or economic forest related benefits.
- 2) Reinforce and expand upon existing networks of conserved forest land.
- 3) Encourage private landowners to work with communities, agencies, businesses and non-governmental organizations so as to strengthen their management of forest resources.
- 4) Secure additional conservation investments in private forest land.
- 5) Protect forested properties that face immediate threats to conversion to non-forest use.
- 6) Focus efforts where large areas of private forest land face the possibility of conversion to non-forest use within the next 10 years and where the consequences in terms of overall losses to important ecological, social and economic forest related benefits are large.

To be eligible to enroll in Oregon's FLP, lands must be located within a Forest Legacy Area identified in this Assessment of Need. For all enrolled properties, Oregon's FLP will also ensure the preparation and implementation of a long-term multi-resource management plan.

The plan will consider all the values from the timber resource to aesthetics, important habitat, and recreation opportunity.

The Oregon Department of Forestry's Forestry Assistance Program will manage the Forest Legacy Program in Oregon with assistance and oversight from the USDA Forest Service's Pacific Northwest Regional Office (Region 6). The Forest Service provides funding, staff support, and assistance, as well as required oversight. As with all state-federal cooperative programs, the program will be implemented in consultation and cooperation with the State Stewardship Coordinating Committee. All major decisions – including the adoption of this AON (e.g., legacy areas, site selection criteria) – have been approved by this committee.

ODF also has commitments of support from the Oregon Watershed Enhancement Board and the Oregon Natural Heritage Program to assist in the management of the program. OWEB will provide match funding through their grant programs as appropriate. OWEB has state funding dedication to the protection of watersheds and habitats, and may be critical to landowners and communities in providing match funding for easements, acquisitions and planning. OWEB will also provide some staff assistance, especially in regards to the development of conservation easements, appraisals, and other land acquisition rules. ORNHP will assist with updating the assessment, applying criteria to sites as necessary, and in working with land trusts and other partners.

B. Selection of Forest Legacy Areas

National eligibility criteria

Forest Legacy Areas must encompass forest lands with significant environmental, social and economic resource-based values. Legacy areas may also include non-forested areas such as farms and towns if they are an integral part of the landscape. Since legacy area boundaries may not correspond to property boundaries, tracts located partially within the geographically defined legacy area are eligible for the FLP, upon approval of a boundary adjustment. To be eligible as an Oregon Forest Legacy Area, the proposed area must meet the following nationally established criteria:

1. Proposed Forest Legacy Areas must represent an environmentally important forest area that is threatened by conversion to non-forest uses.
2. Proposed Forest Legacy Area must contain one or more of the following important public values: scenic resources; public recreation opportunities; riparian areas; fish and wildlife habitat; known threatened and endangered species; known cultural resources; and/or other ecological values.
3. Proposed Forest Legacy Area should provide opportunities for the continuation of traditional forest uses, such as timber harvesting, forest management or outdoor recreation.

Legacy area assessment process

Initial analysis

To select the Forest Legacy Areas identified in the AON, all forested areas in Oregon were evaluated. The state was divided into areas using the locations of private forest lands as well as ecoregional and county boundaries as the primary guides. Counties were used because planning and communities in Oregon are often organized at the county level. Ecoregions were selected because they are widely used by the State of Oregon, along with federal agencies and many private organizations, to organize natural resource information and to develop conservation plans.

Ecoregions are geographic areas with similar features, such as climate, vegetation, geology, geomorphology, soils, and ecosystem processes - which together support characteristic natural communities of plant and animal life. The Forest Legacy Program selected eight ecoregions in Oregon to help analyze forest losses and the priorities for potential legacy areas. The eight ecoregions are based on work by the Environmental Protection Agency's (EPA) Research Office in Corvallis (Pater *et al.* 1998). These same ecoregions have been adopted by the Oregon Watershed Enhancement Board and by the Oregon Progress Board for planning and analysis (Figure 13).

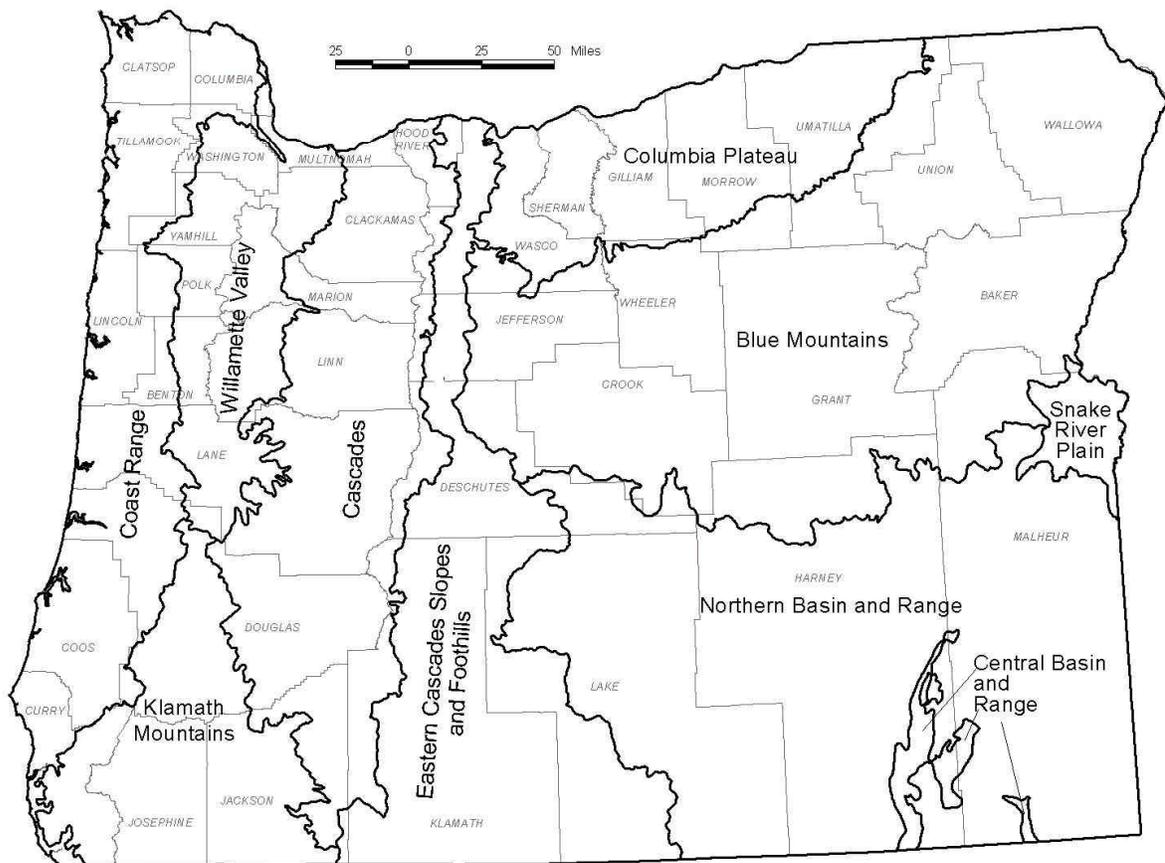


Figure 13. Ecoregions of Oregon from the Environmental Protection Agency.

The EPA ecoregional mapping process actually identified 10 ecoregions in Oregon. Two of the regions, the Snake River Plain and the Central Basin and Range, just enter the state in southeastern Oregon. For the purpose of this AON, and for most other Oregon planning efforts, both of these ecoregions have been combined with the Northern Basin and Range ecoregion. The eight selected ecoregions in Oregon are the Coast Range, Willamette Valley, Klamath Mountains, Cascades, Eastern Cascades Slopes and Foothills, Blue Mountains, Columbia Plateau, and Northern Basin and Range. Descriptions of these ecoregions and their forests are included in Appendix A.

A total of 36 areas were evaluated as potential Forest Legacy Areas. Legacy areas did not cross ecoregional boundaries and were generally restricted to within a county, although six areas included portions of two counties, and two areas included portions of three counties. Counties were combined when the amount of private forest lands in any one county was too limited for evaluation purposes. Occasionally counties would have more than one potential legacy area – usually because they occurred in more than one ecoregion (such as Douglas County, which goes from the Coast Range to the Cascades ecoregion). Only three counties, Lane, Josephine and Klamath, had more than one potential legacy area in the same ecoregion. In this case, there were large non-forested areas located between the potential legacy areas, so they were separated.

Figure 14 shows the locations of the original 36 evaluated Forest Legacy Areas. Descriptions of all 36 evaluated areas are available from the Oregon Natural Heritage Program. The boundaries and shape of these preliminary potential legacy areas were identified to allow for the analysis to take place.

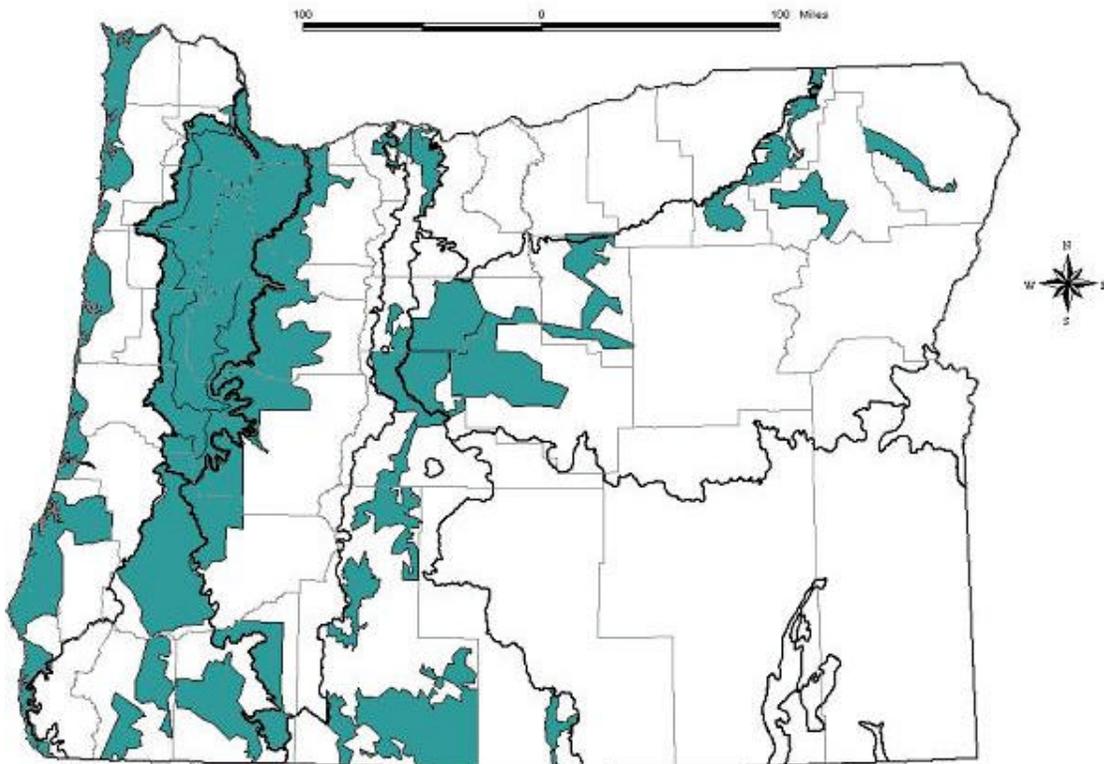


Figure 14. The 36 potential legacy areas evaluated.

The initial analysis looked at two factors only: the presence of significant amounts of private forest lands and the presence of threats of forest conversion over the next 10 years. When these two criteria were applied to the 36 potential areas, a total of 17 potential legacy areas were selected. These included any sites with threats of forest conversion over the next 10 years with significant amounts of private forest lands. When going from the 36 to the 17 potential legacy areas, some boundaries were adjusted. A few potential areas were combined, while large agricultural, industrial, or urban – non-forested areas were excluded. A map showing these 17 areas is included as Figure 15, below.

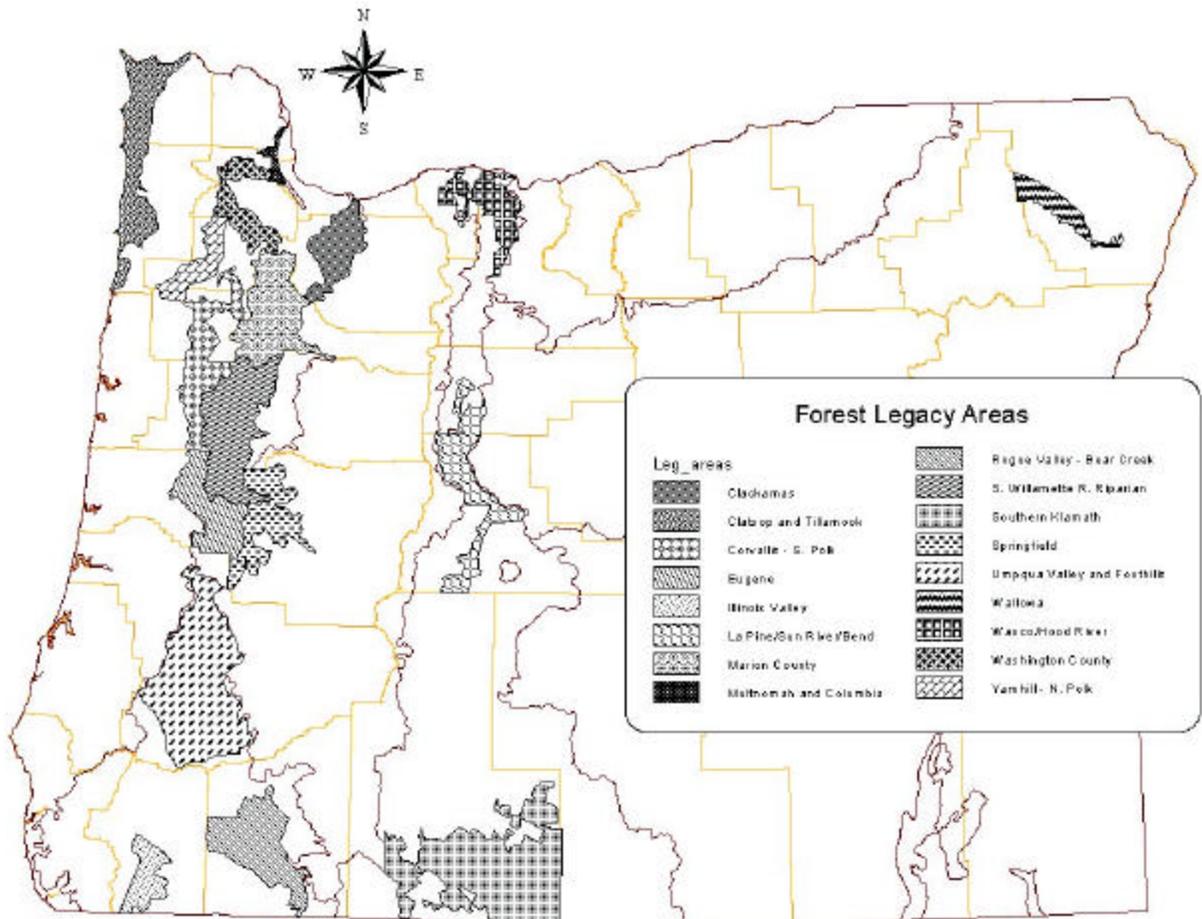


Figure 15. Original 17 potential legacy areas evaluated as meeting minimum criteria.

Secondary analysis

The prioritization and analysis of the potential Forest Legacy Areas involved a more comprehensive assessment of ecological, social, and economic factors. The following criteria were used:

Biological - Ecological

- a) Rare, threatened and endangered species occurrences and habitat
- b) Acreage of all private forest lands
- c) Acreage of priority forest habitats (oak-woodlands, riparian bottomlands and ponderosa pine forest types)

- d) Importance of Forest Legacy Area to priority wildlife species
- e) Viability of the remaining forests in the area
- f) Ability of forests to add to or provide buffers for existing national forests, state forests, state parks, or other protected areas

Social

- a) Immediacy, significance and magnitude of conversion threats as defined by:
 - ☒ Acreage of forest habitats lost between 1974-1994 (in western Oregon)
 - ☒ Acreage of forest habitats estimated to be lost by 2005 (in western Oregon)
 - ☒ Acreage of forest habitats lost since European settlement (approx. 1850)
 - ☒ Increase in population based on 1990-2000 census increase by county
- b) Community interest in Forest Legacy Program
- c) Existence of local partners, including county and city governments
- d) Potential for matching funds
- e) Public recreation opportunity

Economic

- a) The significance of private forest land to the local economy:
 - ☒ The significance of timber to the local economy
 - ☒ The presence of distressed county or local community

Appendix B includes detailed descriptions of each of the data layers, as well as details as to how they were used in the analysis.

The boundaries and the priorities of the potential legacy areas were a major focus in the public outreach and public hearing process. Using comments obtained from the public and the State Stewardship Coordinating Committee, some legacy areas were combined, some lines were redrawn, and one additional legacy area (South Coast) was added. The final outcome was the identification of 15 Oregon Forest Legacy Areas, and the application of priorities to these areas. Figure 16, below, shows the names and boundaries of the final Oregon Forest Legacy Areas.

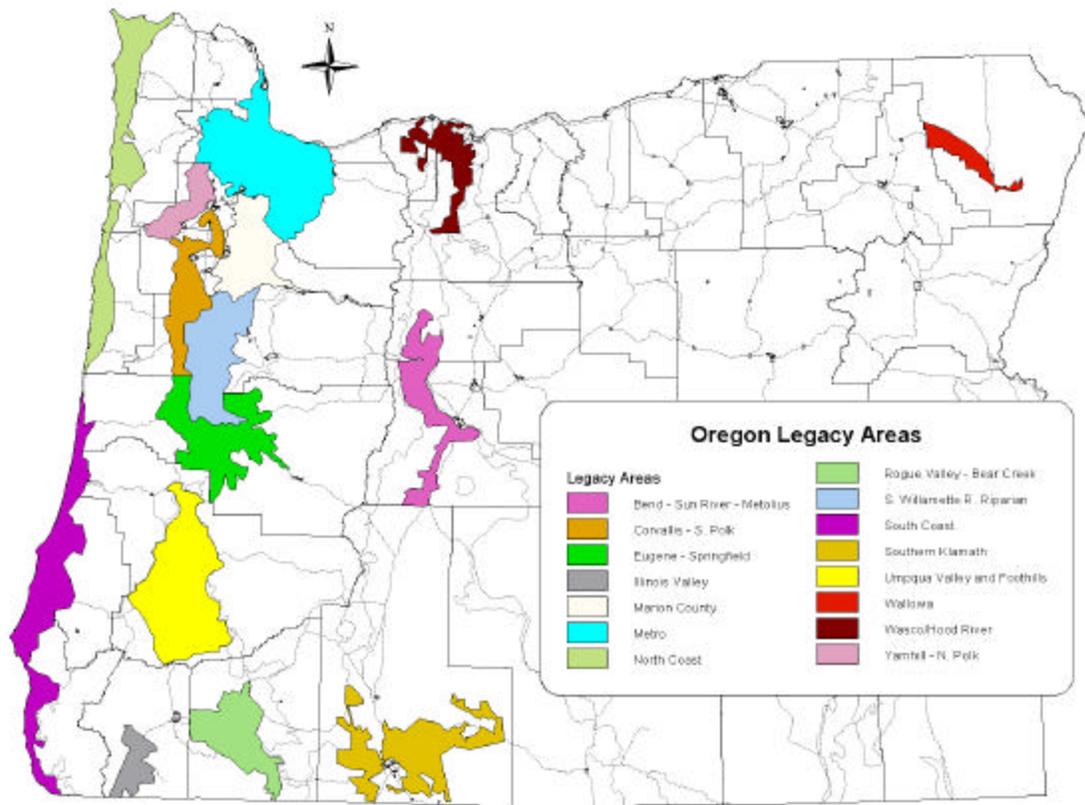


Figure 16. Names and boundaries of the final Oregon Forest Legacy Areas

Figure 17 shows the final priorities assigned to the final areas. As described above, they were assigned with the use of a numerical analysis of the ecological, social and economic data (see Appendix B for details). The priorities are on a scale from one to seven, with one being the highest priority and seven being the lowest. The one to seven scale was chosen because it best represented the spread of values obtained.

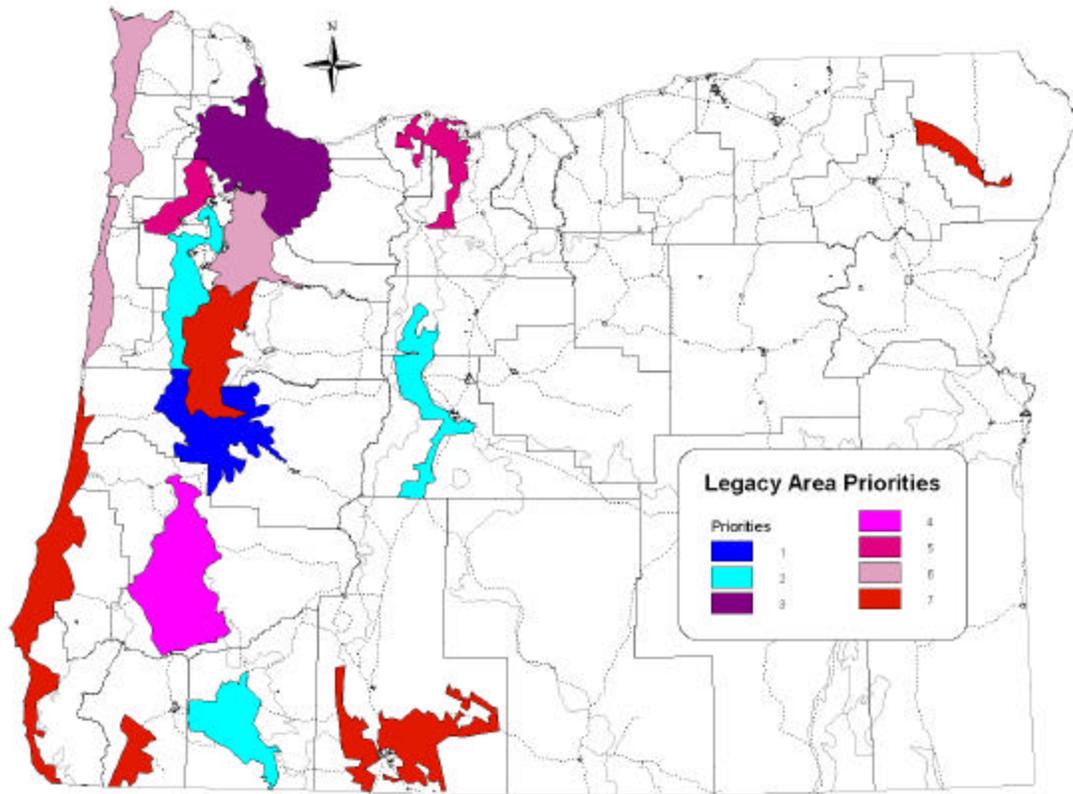


Figure 17. Oregon Forest Legacy Area priorities

C. Landowner participation and site selection

Guidelines for participation

All owners of private forest land located entirely or partially within a designated Forest Legacy Area are eligible to participate. If a landowner has property partially within a legacy area, the Oregon Forest Legacy Program has the discretion to make minor adjustments to the boundaries of any area.

To participate, owners may apply to enroll interest in (via a conservation easement) or title to their lands in the state's FLP. Participation of any landowner in the program is strictly voluntary, and under no circumstances will the right of eminent domain be used for the taking of any private property rights.

If a landowner chooses to apply for the FLP, owners must also prepare either a Forest Stewardship Plan or a multi-resource management plan as part of the approval process. All FLP acquisitions, whether fee-title or through a conservation easement, are perpetual and binding on subsequent owners. Future owners of the rights that are not acquired by the FLP shall be subject only to those restrictions which the present landowner has sold or donated to the local, state or federal government, per the terms of the sale or agreement. As outlined in the federal law, only federal, state or local governments may currently hold these permanent interests in land acquired through the Forest Legacy Program.

Program implementation

The following outlines the steps the Oregon Department of Forestry will need to take to implement Oregon's Forest Legacy Program on individual sites:

- ✍ Publicly announce that Oregon is an active state in the Forestry Legacy Program and eligible to receive forest legacy funds for Fiscal Year 2002 (October 1, 2001 through September 30, 2002) under the state grant option.
- ✍ Establish enrollment periods for receiving letters of interest from landowners (and partners) for forest legacy funds for the acquisition (easement or fee title) of specific properties.
- ✍ Establish guidelines for the desired content and format for writing letters of interests.
- ✍ Review letters of interest upon receipt and screen them to ensure that minimum program eligibility requirements are met by the property in question and for those properties meeting the minimum requirements, make an initial determination of site significance based on the criteria for evaluating and selecting sites (discussed below).
- ✍ Notify landowners of the results of this screen.
- ✍ Secure a go forward agreement with eligible landowners owning significant sites.
- ✍ Identify which local government or state agency will hold title and the type of transaction (fee title or easement).
- ✍ Identify who will be responsible for monitoring and the availability of monitoring funds.
- ✍ Conduct property due diligence where go forward agreements have been obtained.
- ✍ List and rank properties with completed (or near completed) due diligence.
- ✍ At least annually, meet with the State Stewardship Coordinating Committee to review listed properties and select transactions for funding based on available funds. Maintain a list of desired transactions which could not be funded due to a lack of forest legacy funds.
- ✍ Close on transactions where funding is available (both forest legacy and required match).

For example, landowners who want to participate may submit a letter of interest to the Oregon Department of Forestry's Forestry Assistance Program. To enroll their lands in the FLP, interested landowners should supply information about the property and identify any partner organization. Landowners have the option of donating a conservation easement or fee-title to the FLP or applying to have an easement or title purchased through the FLP.

ODF plans to develop guidelines for landowners to use in the inquiry process. Many of these will be adopted from other states' successful Forest Legacy programs. At a minimum, landowners will have to submit information which identifies the location of the property, the primary values of the site, and the primary reasons they wish to participate in the program.

Once a letter of interest is received, ODF will screen the site to assure that it meets the minimum requirements of the program. The minimum requirements are that the property must be privately owned, forested, and threatened with conversion within 10 years. If the property does not meet the minimum requirements, the landowner will be notified that their property is not eligible for the Forest Legacy Program.

If the property does meet the requirements, ODF will also make an initial determination of the site's significance. This determination, and the final determination of which sites are selected, is based on similar ecological, social and economic criteria as was used in the analysis of legacy areas in this AON.

Criteria for evaluating and selecting sites

Given the limited funding available for the Forest Legacy Program in Oregon and the very high property values for many of Oregon's forests threatened with conversion, the program must be able to set priorities for site selection.

Five criteria have been selected to be used for this prioritization. The criteria, listed in priority order, are:

1. The significance of ecological, social and/or economic values on the property
2. The viability and importance of the site to other forest lands
3. Local support, and presence of partners and/or match funding
4. Immediacy of threats to the site
5. The priority of the legacy area

The Oregon Forest Legacy Program will use these criteria to evaluate all of the properties with interested landowners who apply. The five criteria will be the major determination of whether or not a site is selected for participation. While numeric values for each of these criteria have not been assigned, the Oregon Forest Legacy Program anticipates that the first of these will receive the most credit, the second criterion slightly less, and so on. Details of the criteria and how they will be applied are discussed below.

1. The significance of ecological, social or economic values

This includes the primary values present on the property. It includes the forest habitats present, with priority habitats as well as high quality examples of forest types given more credit. It also includes the presence of priority forest wildlife species, endangered species or their habitat, riparian habitat, or the other ecological values discussed in this AON. Social values include scenic or recreational benefits the site provides. Important economic factors are primarily any important local economic value, including significance for local mills or industries, as well as any potential significance of the site to recreational industries. These are the most important factors, and will weigh the highest, allowing sites in any of the Oregon Forest Legacy Areas to compete for selection.

2. The viability and importance of the site to other forest lands

The second most important value is the overall ecological, social and/or economic social context of the site to other adjacent lands. Since many Forest Legacy properties may be quite small, protection of a small or isolated tract may limit the overall ecological, social and/or economic benefits of protecting it. Sites which add to existing protected lands (county parks, state parks, national forests, state forests, and other federal investments, etc.) will receive additional points. Of particular interest are properties adjacent to lands with forest protection easements, particularly sites currently protected by the Oregon FLP. Higher value will be placed on properties that are part of a recognized corridor or that provide important buffer for ecological values. Similarly, higher values will be placed on properties which located together add up to a large, protected block of forest land. For example, if a number of forest landowners are interested in protecting a site, this can have important benefits, and increase the ranking for forest legacy funding.

3. Local support, the presence of partners and/or match funding

The amount of local support for the inclusion of any property in the FLP has been a key factor in all states participating in the program. Given the limited ability of ODF to monitor conservation easements acquired through the Forest Legacy Program, local partners are especially key in Oregon. As such, properties with lots of local support will receive higher ranking. Partners agreeing to provide long-term monitoring, match funding, or long-term management of any included properties will be favored. Similarly, projects will rank higher for providing very large amounts of matching funds. Sites will also rank higher if they are part of an existing local plan, such as the Metro Greenspaces Program, the Eugene 2050 plan, or another public document which has identified the property as important.

4. Immediacy of threats to the site

The significance and immediacy of threats is another key criteria identified for site selection. Both the State Stewardship Coordinating Committee and the public felt that threats were important, but that selecting sites which were either partially developed, or well down the road toward development might result in much higher funding costs. Sites lacking any threats are not eligible. However, the goal is to protect the most threatened sites before threatened development makes costs prohibitive. Basically, the objective is to include the most threatened sites possible while protecting the most forest acres possible.

5. The priority of the legacy area

Initially, the overall priority of the legacy area in which a project was located was to be a primary criteria. However, based on public comments and those of the State Stewardship Coordinating Committee, opinion clearly indicated that all very important sites should be eligible and receive high priority for funding, regardless of which legacy area it is located in. However, there was agreement that if projects ranked equally with respect to the other criteria, sites in the highest priority legacy areas (see Figure 17) should be funded first.

Final site selection procedures

The Forest Legacy Program will evaluate sites on an annual basis. Applications for properties which ODF determines meet the minimum criteria will be initially rated based on a preliminary evaluation of the criteria listed above as a means to gauge the application's potential for funding. ODF will notify the landowners of this funding potential. If the landowner remains interested and is willing to commit to completing a forest stewardship (or equivalent) plan, the application will receive further consideration. The forest stewardship (or equivalent) plan will need to demonstrate the significance of the ecological, social and economic values to be protected if the property remains in forest use.

All new and existing unfunded projects will be evaluated each year with the best possible projects being selected for funding. All non-selected applicants will continue to remain eligible as long as they are interested, and will not have to re-apply to be considered for funding in subsequent years. Ratings for all evaluated projects will be made available.