Group Discussion – Working with the Forest Legacy Program

Western Forest Legacy Program Manager Meeting
May 14, 2013 - Bend, Oregon

Challenges

- Land trust feels shut out at the end when the grant gets awarded to the State.
- A couple of states can no longer acquire land. Hands are tied. Looking for different ways to utilize the program.
- Complexity of the program. Permanent vs. temporary easements (USDA Natural Resource Conservation Service). What is the land trust perspective on how Forest Legacy fits in?
- Move to a common application form across programs (e.g., Farm and Ranch Protection Program).
- There is also a danger there if you blur the lines too much. Then you lose the distinction between programs. Could end up with one program.
- Looking for ways to streamline the program, making it easier without losing its identity.
- Shocked about the newness of current staff to the program. How can land trusts help with continuity in the program? Need to keep the communication up to the Hill about the program.
- Land Trusts can go places where agencies can’t go. Need to work together to communicate that organizations are constantly working with communities and state/federal agencies to address issues with solutions. Need to be constantly doing that.
- Somehow, a state’s interests needs to be watched on the Hill. If not, bad things can happen (lost a project due to a raid of funds).
- Is Forest Legacy an albatross around the State Foresters neck? What about catastrophic loss. Is the state obligated to perform the restoration?
- Need to be realistic about what a conservation easement can or should do. Reasonably good at stopping bad things from happening. But, difficult to utilize to make a bad landowner into a good landowner. Always start with a good landowner – but need to think beyond that.
- How do other states deal with monitoring strategies?
- If states are feeling at capacity to monitor – they will not want to do more projects. States need to know that capacity to monitor can increase with program success.
- Forest Service – listening sessions. USDA Forest Service is a great agency. How do we prepare for uncertainty

Strengths

- Partners critical in success of the application through the application process. More than happy to have them involved in the due diligence and closing aspects of the project.
- Keep land trusts involved from beginning to end. Need them to be that liaison/partner. Use MOU’s to assign the practice of easement monitoring to land trusts. Most land trusts do not feel that they are being shut out of the process. Organizations have donated funds to the state to keep the state’s staff capacity to meet their responsibilities.
Grants can be used for due diligence costs.

Forest Legacy would not be possible without the partners. Use MOU’s to assign the monitoring endowment to a land trust. Land Trust work can be reimbursed (or treated as cost-share).

Coordinating Committee is requiring a land trust to be a partner on their project. Landowner ends up paying the land trust and that is counted as match.

Sea change in the way program funding is supported. Individual projects get funded when the program is fully funded. Advocacy for the program, not the project.

There is nothing like Forest Legacy. Only program to show off working forests. Address endangered species issues. Bipartisan support is genuine.

State agency very involved in writing letters of support. Non-governmental organizations and partners can lobby Congress. They act as our watchdog to keep state interests in play even if the state cannot directly do that.

Political support is key. National organizations and land trust can work the political steps through the application process. When projects are selected on the national list, the Congressional delegation gets the feedback on their effort in supporting the project is working. So, the Congressional delegation for that State wants to do more. Once they see their project get high on the list; then they want to support the entire program.

Local successes. Members of Congress don’t have that much time to understand the intricacies of every program. It is important to communicate the benefits of the program and how that builds local success. It is when members they go home that they see the benefits – not the national lobbying/politicking.

Cornerstone of the easement is that it is not burdensome to the landowner.

Proposed Amendment

State agency administers the grant – land trust no longer has a role. Some administrative sharing would be desirable. End game (holding title to easement) will keep the land trust involved. Need to keep the communication amongst the partners going until the end.

Amendment – Designed to help state agencies with staffing/funding limitations.

What is the surface of discretion for how states implement Forest Legacy Program grants?

Rely heavily on land trusts as partners to implement the program. Small state agency. One land trust would exclude the state if they could do so. The requirement to hold the easements by the State keeps the state’s foot in the door.

Guidelines and the Coordinating Committee keep the states involved. If land trust has developed the project, have the endowment assigned to them and are doing the monitoring – why not hold the easement? Amendment provides an option; not a requirement.

As much flexibility that can be given the state makes sense. Try as much as possible to work with accredited land trusts. Machinery is in place to ensure land trust will be around forever.

Chicago meeting - 2012. The discussion was around the concern that providing this option to states that the land trusts would put pressure on the states to use the option rather than the state doing an independent read on the project and decide who best to hold the easement.
• States should have the backbone to make decisions about the program. If they can’t feel the heat; they should get out of the kitchen. Land trust power and control not a robust argument against.

• Realize the level of accountability that the Forest Service is facing. Not all organizations interested in holding easements. Agnostic on the amendment until see a convincing need. How do states and feds feel about working with land trusts?

• Legacy elegantly designed because it recognized the importance of working forests. Amendment makes it easier to work with other federal programs that allow land trusts to hold easements.

• The question is – what tools are necessary to achieve the long-term goal? One of the key things that land trusts do is connect the urban community to what is necessary to make conservation happen – the conservation that benefits the community. The community is not aware of what it takes.