

Decker, Denise - Washington, DC

From: Jake Donnay [jdonnay@stateforesters.org]
Sent: Tuesday, March 17, 2009 11:35 PM
To: RA.dcwashing2.frpp
Subject: Docket Number NRCS-IFR-08006
Attachments: 031709-NASF-Farm-Ranch-Comments.pdf

226

Attached please find NASF's comments in response to the interim rules for the Farm and Ranchlands Protection Program (Docket Number NRCS-IFR-08006).

Please confirm receipt.

Many thanks,
Jake

Jake Donnay
Director of Forest Policy
National Association of State Foresters
444 North Capitol Street NW
Suite 540
Washington, D.C. 20001
(202) 624-5977 (o)
(202) 302-0757 (m)



March 17, 2009

Dave White, Chief
 U.S. Department of Agriculture
 Natural Resources Conservation Service
 1400 Independence Avenue, SW
 Washington, DC 20250-2890

Dear Mr. White:

The National Association of State Foresters (NASF) applauds Congress' recognition of the need to expand forestry involvement in the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill). We offer the following comments in response to the interim final rules for the Natural Resource Conservation Service (NRCS) Farm and Ranch Lands Protection Program (FRPP) found in Docket Number NRCS-IFR-08006. Our recommendations reflect the intent of a recent Memorandum of Understanding between NASF, the Forest Service, NRCS, and the National Association of Conservation Districts designed to strengthen cooperation for delivering forestry assistance to private landowners.

§ 1491.2 Administration

The interim rules indicate NRCS shall ensure a conservation plan is developed for farm and rangelands for eligibility into the program. For forest land, NASF recommends NRCS recognize forest plans, as specified in section five of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a), or other forest plans developed and approved solely by the State Forester.

§ 1491.3 Definitions

The interim final rules include a definition for *farm and ranch land of statewide importance*. NASF recommends the definition for *forest land of statewide importance* should include priority forested areas or regions of the state that have been identified by the State Forester and informed through the state-wide assessments and strategies pursuant to Section 8001 and 8002 of the 2008 Farm Bill. State-wide forest resource assessments and strategies will be completed by June 2008, but attention to forest resources in the FRPP should be immediate and not wait for completion of the state-wide assessments.

NASF believes the current *forest land* definition in the interim rules will be difficult to implement and will preclude high-priority forest lands the FRPP seeks to protect. We strongly recommend NRCS redefine the term *forest land* to be consistent with the definition cited by the USDA Forest Service Forest Inventory and Analysis (FIA) Program. The FIA program defines *forest land* as land at least 10 percent stocked by forest trees of any size, including land that formerly had such tree cover and that will be naturally or artificially regenerated. The minimum area for classification of forest land is one acre.¹

NASF recommends NRCS redefine the term *forest management plan* to include those forest stewardship plans, as specified in section five of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a) or other plans approved solely by the State Forester.

¹ Smith, B.W., Miles, P.D., Vissage, J.S., Pugh, S.A. 2004. Forest Resources of the United States, 2002: a technical document supporting the USDA Forest Service 2005 update of the RPA Assessment. Gen. Tech. Rep. NC-GTR-241. St. Paul, MN: USDA Forest Service North Central Research Station.

Executive Director
 Jay Farrell

2009 Executive Committee

President Leah W. MacSwords, Kentucky
 Vice President Steven W. Koehn, Maryland
 Treasurer Jeff Jahnke, Colorado
 Past President Larry Kolchman, North Dakota

Northeastern Representative
 Western Representative
 Southern Representative

Steven Sinclair, Vermont
 Pete Anderson, Nevada
 Edgardo Gonzalez, Puerto Rico

§ 1491.3 Program requirements

This section should clarify that program funds are now available for eligible entities to partner with NRCS to acquire forest land and are no longer limited to acquiring farm and ranch land. Eligible entities should demonstrate a commitment to long-term conservation of forest lands. The interim rules indicate that eligible land may include forest land if it contributes to the viability of an agricultural operation or serves as a buffer to prevent agricultural lands from development. Consultation with the respective State Forester is recommended to determine what constitutes characteristics of "viability" and the extent to which forestland may satisfy that determination. Similarly, it is suggested that the State Forester provide assistance in determining the extent and type of "buffer" necessary and appropriate management measures to maintain adequate buffer capacity.

§ 1491.6 Ranking considerations and proposal selection

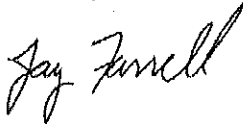
NASF recommends this section clarify that national and state criteria should be developed to score and rank priority forest parcels in addition to prime, unique and important farm and ranch land. National criteria for ranking forest parcels should be consistent with national priorities for private forest conservation set forth Section 8001 of the 2008 Farm Bill and should consider the decrease in the percentage of forests. State criteria should be determined by the State Forester and consistent with priority areas identified in the State-Wide Assessments and State-Wide Strategies pursuant to Section 8002 of the 2008 Farm Bill. Attention to forest resources should be immediate and not wait for completion of the State-Wide Assessments.

§ 1491.22 Conservation easement deeds.

The interim rule requires a NRCS conservation plan as a condition for participation in the FRPP. Forest stewardship plans, as specified in section five of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a) or other plans approved solely by the State Forester should be considered to meet the program requirements for forest parcels enrolled in the FRPP.

NASF greatly appreciates the opportunity to provide input regarding new opportunities to conserve forests through the Farm and Ranch Land Protection Program. We strongly encourage the NRCS to follow Congress' lead in broadening the opportunities for private forests in the FRPP.

Sincerely,



Jay Farrell