

# **MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE**

**ARKANSAS FORESTRY COMMISSION**

**AND THE**

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**NATURAL RESOURCES CONSERVATION SERVICE**

**AND THE**

**ARKANSAS FORESTRY ASSOCIATION, AMERICAN TREE FARM SYSTEM**

**This Memorandum of Understanding (MOU) is made and entered into by the Arkansas Forestry Commission (AFC), the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) in Arkansas, and the Arkansas Forestry Association (AFA), American Tree Farm System (ATFS).**

## **I. PURPOSE**

The purpose of this MOU is to strengthen the cooperation among the Parties that will result in coordinated interagency delivery of forestry-related conservation assistance to private landowners in order to sustain the health, diversity, and productivity of Arkansas's private working lands – forestland, cropland, pasture, and rangeland. The Parties have a long-term commitment to the conservation and stewardship of all Arkansas natural resources that will endure beyond the life of this MOU.

The Parties polled their organizations and identified the following barriers, hereinafter referred to as “the Barriers,” to delivery of forest-related conservation assistance:

- 1. Lack of integration of planning and other administrative issues between the Parties, making it difficult for private landowners to participate in forestry and conservation programs;**
- 2. Funding devoted for forestry-related conservation assistance to private landowners is inadequate; and**
- 3. Parties speak different technical/organizational languages, which suggest a need for improved communication.**

The Parties are committed to address and resolve the Barriers through both joint and separate actions.

## **II. BACKGROUND**

### **Importance of Private Forestlands to Arkansas's Welfare**

The Parties recognize healthy forests are a critical component of Arkansas's landscape as 18.7 million acres of the State's 34 million acres are forested. Forests provide clean air, carbon sequestration, flood protection, wildlife habitat, recreation and aesthetic enjoyments. Healthy forests are also vital to clean and abundant supplies of water. Water quantity and quality are threatened by population and land uses. Wildfires, insect and disease outbreaks, and invasive species also affect the ability of forests to store and filter the water we drink. Forests and forest products also provide economic, energy, and many other benefits. The Parties also recognize family owned forests make up 8.7 million acres of Arkansas's forests, and are increasingly being divided into smaller parcels.

The Parties further recognize that Arkansas's forest resources are threatened and do not provide the full range of benefits they are capable of providing. Some of the risks/issues to our forests include:

- Forest fragmentation/parcelization
- Forest Health (Insects and Disease)
- Lack of proper management
- Invasive species
- Climate change

The Parties recognize that family forest owners are key customers for our program/activities. Increased coordination and collaboration is essential so that we can provide assistance to a changing customer/owner base.

It is critical that landowners are able to obtain information and assistance about implementing conservation practices that will maximize natural resource benefits and address concerns about their forests.

The Parties believe that a strong partnership will make it possible to be more effective in assisting family forest owners, thereby increasing natural resource benefits from working lands. The Parties also recognize that strong citizen participation, as well as stakeholder-based partnerships operating at the local, regional, and other geographic scales are fundamental to successful conservation of natural resources.

Each Party delivers to private landowners and land managers technical and financial assistance through their various conservation programs and activities. Increased coordination and collaboration can result in synergistic effects that enable broader success in achieving conservation goals.

## **III. ROLES AND RESPONSIBILITIES**

This MOU commits the Parties to increase cooperation at the local and state level to ensure coordinated interagency delivery of forest-related conservation assistance to private landowners and land managers. The actions taken under this MOU are expected to enable the Parties to accomplish their individual and collective conservation goals and missions more effectively.

The Parties recognize the unique and valuable role each Party brings to the partnership:

- The Arkansas Forestry Commission has the primary leadership role and responsibility of forestry programs on State and private lands.
- The Natural Resources Conservation Service is a source of interdisciplinary expertise for forestry and natural resource conservation and financial assistance for governmental assistance programs.
- The Arkansas Forestry Association, American Tree Farm System State Committee will be responsible in facilitating a comprehensive management plan compatible to the Stewardship Plan and the NRCS Conservation Activity Plan for forestry.
- Private landowners voluntarily request assistance from the signatories and are the decision makers for their land.

The Parties will work to address the Barriers through the following joint and individual organization actions:

**A. Jointly as appropriate, the AFC, NRCS & AFA/ATFS in Arkansas will:**

**Planning/Processes**

1. Create an interagency team to:
  - Review requirements/standards/procedures for NRCS Practice 106 Conservation Activity Plans, Tree Farm Management Plans, and Forest Stewardship Management Plans; and
  - Make recommendations to integrate plans/processes to facilitate landowner access to forestry-related technical and financial assistance.

**Partnership/Information Sharing**

2. Partners are encouraged to undertake an analysis that identifies the relative importance of forest, agriculture, wildlife, and other related natural resource conservation issues relevant to the partners' responsibilities, and to use this analysis as the basis for establishing priorities for agency activities and funding.
3. Promote the delivery of timely, coordinated interagency forestry and agroforestry assistance to landowners through actions such as technology, and related actions that increase assistance for working lands.
4. Share information regarding priorities for conservation of private forestlands and other working lands that could benefit from the application of agroforestry practices.
5. Coordinate to ensure each Party's conservation programs are valuable and are not inadvertently in conflict.
6. Share updated information regarding conservation policies, programs, voluntary conservation agreements, and procedures related to providing forestry assistance to private landowners and land managers. This can be done through communication at the State Technical Committee meetings, joint training programs, or other means.

7. Coordinate forest resource information to assist in focusing resources for developing and implementing conservation agreements or strategies, plans, or other programs and projects.
8. Collaborate with other partners to facilitate development and implementation of conservation plans and agreements on forestlands, and to promote agroforestry on other working lands.
9. Work together to coordinate comprehensive multiple-use management plans (e.g. Forest Stewardship Management Plan, Practice 106 Conservation Activity Plan, and Tree Farm Plan) for family forest owners in order to meet landowner needs and the requirements of the agencies, including eligibility for financial assistance in governmental cost-share programs (e.g. SPB and EQIP practices) to implement practices prescribed in multiple-use management plans.
10. Collaboratively identify research studies and special initiatives needed to support sustainable management of working lands and utilize the science to improve conservation programs and activities.

### **Employee Training/Education**

11. Invest in training employees to enable them to better deliver conservation assistance to an increasing number of family forest owners in a changing landscape.
12. Collaborate to deliver agroforestry training for natural resource professionals and develop technical information to support technical assistance to private landowners.
13. Provide educational training to each other about our respective organizations and processes.

### **Environmental Services Markets**

14. Cooperate on market-based environmental stewardship approaches, certification processes, and the establishment of technical guidelines that facilitate the participation of private landowners in emerging environmental services markets (as per Section 2709 of the Food, Conservation, and Energy Act of 2008).

### **MOU Implementation**

15. Encourage the development of MOUs, TSP agreements, and contribution agreements to facilitate implementation of this MOU.
16. Encourage parties at the State level to jointly pursue innovative pilot projects/demonstration areas and share and publicize success stories consistent with the objectives of this MOU.
17. Monitor and report on implementation of this MOU until the Barriers have been addressed to the satisfaction of the Parties. The Agency contacts (as identified in VI below), or their designees, will review performance under this MOU and provide recommendations as appropriate.

## **B. Arkansas Forestry Commission will:**

### **Planning/Processes**

1. Consider and take appropriate action on recommendations from the Parties to integrate Forest Stewardship plans/processes with NRCS conservation and Tree Farm plan/processes to facilitate landowner participation in forestry-related technical and financial assistance programs.

### **Partnership/Information Sharing**

2. Invite and encourage NRCS and County Conservation Districts to be involved on Arkansas Forest Stewardship Coordination Committee (AFSCC) and associated sub-committees. Appoint a State Technical Committee representative to the AFSCC.
3. Actively participate on the NRCS State Technical Committee.
4. Through State Technical Committee meetings, working group meetings, and other venues, provide information about state-administered programs that can assist in planning and implementing forest-related conservation practices in priority watersheds/landscapes identified by NRCS and other cooperators.
5. When appropriate, invite NRCS and state conservation districts to participate in state meetings and conservation initiatives.
6. Provide forestland and resource information to NRCS (e.g. forest inventory, forest health risk and condition, fire regime/condition class) to support Rapid Watershed Assessments.
7. Request that State Conservationist utilize the Forest Action Plan in the development of program ranking processes.
8. Inform NRCS and conservation district employees about its programs through training and education.
9. Foster and guide the development and implementation of MOU documents between AFC, AFA/ATFS, and NRCS.

### **Employee Training/Education**

10. Encourage its employees to increase their knowledge of NRCS conservation programs through training and education.
11. Provide forestry-related training and education to NRCS and conservation district employees.

## **C. NRCS will:**

### **Strategic**

1. Incorporate in its State Strategic Plan an increased emphasis on providing forestry assistance to NIPF landowners to help them address resource concerns and increase the emphasis on applying agroforestry on working agricultural lands.

### **Funding/Resources**

2. Collaborate with AFC and AFA/ATFS to allocate appropriate resources to address resource concerns on family owned forests and to help meet landowner needs for technical and financial assistance in forestry and agroforestry.

### **Planning/Processes**

3. Consider and take appropriate action on recommendations from the Parties to integrate NRCS conservation plans/processes with ATFS Tree Farm plan/processes and Forest Stewardship Management plan/processes to facilitate landowner participation in forestry-related technical and financial assistance programs.

### **Partnership/Information Sharing**

4. Consistent with the leadership of AFC articulated in Section III, cooperate and coordinate with the AFC in the delivery of forestry assistance to private landowners.
5. Invite and encourage the AFC to be involved on State Technical Committees and associated working groups, as well as local working groups at the county level, to provide expertise in forestry and agroforestry relative to program priorities, ranking processes, and practice standards. As per Section 1261 of the Food, Conservation, and Energy Act of 2008, ensures that each State Technical Committee includes representatives from the State Forester or equivalent State official.
6. Invite AFC, and ATFS to participate in appropriate State, Regional, and National meetings and conservation initiatives.
7. Utilize the Forest Action Plan in determining state priorities for providing technical and financial assistance.
8. Provide information about NRCS conservation programs that can assist in planning and implementing forestry-related conservation practices in priority landscapes/watersheds identified by the AFC and other cooperators through State Technical Committee meetings and other venues.
9. Jointly produce and promote agroforestry technology, training, and educational resources in cooperation with the AFC and AFA/ATFS.

## **Employee Training/Education**

10. Encourage NRCS employees to increase their knowledge of the AFC programs through training and education.
11. Provide training and education to AFC and Conservation District employees about NRCS conservation programs.
12. Provide forestry-related training and education to NRCS and conservation districts employees.

### **D. AFA/ATFS will:**

## **Strategic**

1. Incorporate in its Tree Farm Management Plan an increased emphasis on providing forestry assistance to family forest owners to help them address resource concerns and increase the emphasis on addressing all natural resource concerns on working agricultural/forestry lands.

## **Funding/Resources**

2. Encourage the Arkansas State Tree Farm Committee and Tree Farm Inspectors to collaborate with AFC and NRCS to allocate appropriate resources to address resource concerns of family forest owners and to help meet landowner needs and objectives for technical and financial assistance in forestry and agroforestry.

## **Planning/Processes**

3. Consider and take appropriate action on recommendations from the Parties to integrate AFA/ATFS conservation plans/processes with NRCS conservation plans/processes and with Forest Stewardship plan/processes to facilitate landowner participation in forestry-related technical and financial assistance programs.

## **Partnership/Information Sharing**

4. Consistent with the leadership of the AFC articulated in Section III, cooperate and coordinate with AFC and the NRCS in the delivery of forestry assistance to private landowners.
5. Invite and encourage Arkansas Forestry Commission and NRCS to be involved on State Tree Farm Committee and any associated subcommittees to provide expertise in forestry and agroforestry relative to program priorities, ranking processes, and practice standards.
6. Invite AFC and NRCS to participate in appropriate State, Regional, and National meetings.

7. Work with NRCS and AFC to utilize the AFC's Forest Action Plan in determining state priorities for providing technical and financial assistance.
8. Provide information about AFA/ATFS education and conservation programs that can assist in planning and implementing forestry-related conservation practices in priority landscapes/watersheds identified by the NRCS and the AFC and other cooperators through State Technical Committee meetings and other venues.
9. Jointly produce and promote forestry-related and agroforestry technology, training, and educational resources in cooperation with NRCS and AFC.

#### **Employee Training/Education**

10. Encourage ATFS inspectors to increase their knowledge of NRCS and AFC programs through training and education.
11. Provide training and education to AFC and NRCS employees about AFA/ATFS education and conservation programs.

#### **IV. GENERAL PROVISIONS**

- A.** This MOU takes effect upon signatures of the Parties and remains in effect for five (5) years from the date of execution. In the event of termination by one of the parties, the other parties may initiate a new MOU between them.
- B.** This MOU is not intended to, and does not create any right, benefit, or trust, responsibility, substantive or procedural, enforceable at law or equity, by any party against the United State, its agencies, its officers, or any person.
- C.** This MOU does not affect or modify existing regulations or agency responsibilities and authorities. It specifically does not commit any agency to activities beyond the scope of its mission and authorities under its organic statutes.
- D.** AFC, AFA/ATFS, and NRCS will handle their own activities and utilize their own resources, including expenditures of their own funds, in pursuing the purposes of this MOU. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
- E.** This MOU does not obligate AFC, AFA/ATFS, or NRCS to expend or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Parties will require execution of separate agreements, and be contingent upon availability of appropriate funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

- F.** Any information furnished to NRCS under this agreement is subject to the Freedom Information Act (5 U.S. C. 552).
- G.** All activities and programs, conducted under this MOU shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes: namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. They will also be accordance with regulations of the Secretary of Agriculture (7 C.F.R.15, Subparts A & B), which provide that no person in the United States shall on the grounds of race, color, national origin, age, sex, religion, marital status, or handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to activity receiving Federal financial assistance from USDA or any agency thereof.
- H.** All activities conducted under this MOU shall be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

#### **IV. DEFINITIONS**

*Privately owned forestland, cropland, pasture, and rangeland*

*Nonindustrial Private Forests, Family Forestland that:*

- a. Has existing tree cover or is suitable for growing trees; and**
- b. Is owned by any nonindustrial individual, family, group, association, corporation, Indian tribe, or other private legal entity so long as the individual, family, group, association, corporation, tribe, or entity has definitive decision-making authority over the land. Corporations whose stocks are publicly traded or owners principally engaged in the primary processing of raw wood products are excluded.**

SPB – Southern Pine Beetle

EQIP – Environmental Quality Incentives Program

TSP – Technical Service Provider

NIPF – Non Industrial Private Forests

**V. AGENCY/ORGANIZATION CONTACTS**

**AFC – John Shannon**

**NRCS – Mike Sullivan**

**AFA/ATFS – Max Braswell**

**VI. APPROVAL**

**The undersigned parties hereby agree to the terms and conditions specified above.**

**SIGNED** \_\_\_\_\_

**09/09/11** \_\_\_\_\_



**John T. Shannon - State Forester/AFC**

**Date**

**SIGNED** \_\_\_\_\_

**09/09/11** \_\_\_\_\_



**Max Braswell – Executive Vice-President/AFA/ATFS**

**Date**

**SIGNED** \_\_\_\_\_

**09/09/11** \_\_\_\_\_



**Mike Sullivan - State Conservationist/NRCS**

**Date**