



Natural Resources Conservation Service
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NEW MEXICO BULLETIN NO. 190-12-05

SUBJECT: ECS - FREQUENTLY ASKED QUESTIONS ON FORESTRY, FARM BILL PROGRAMS AND THE COOPERATIVE AGREEMENT

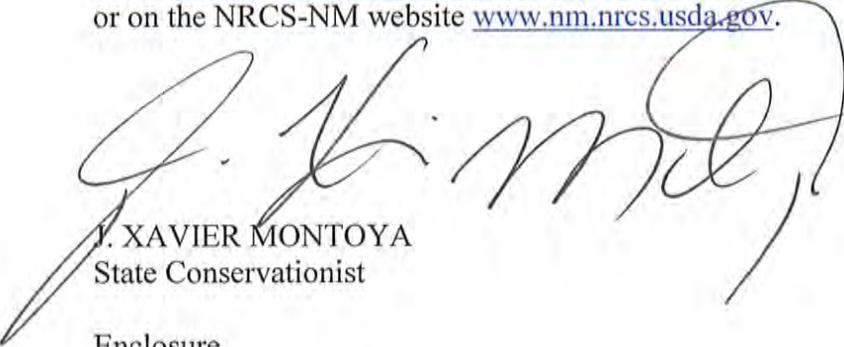
TO: All Employees

Purpose. To provide all employees with a list of commonly asked questions and their answers regarding forestry, forest lands, farm bill programs and the cooperative agreement between NRCS and the New Mexico State Forestry (NMSF) Division.

Expiration Date. December 31, 2012

This is an update to Bulletin 190-10-01 containing “frequently asked questions” raised during “Protocol” Meetings between NRCS and NMSF staff in January 2010. It is intended for natural resource professionals and to provide guidance during the transition to a new NRCS-NMSF liaison.

Guidance for the nonindustrial private forest landowner can be found at the link below http://nacdnet.org/news/publications/forestrynotes/reports/farm_bill_for_woodland_owners.pdf or on the NRCS-NM website www.nm.nrcs.usda.gov.



J. XAVIER MONTOYA
State Conservationist

Enclosure

Frequently Asked Questions (FAQ) regarding Forestry, Farm Bill Programs and the Cooperative Agreement

This document is an update to the original FAQ published in 2010 in response to the Cooperative Agreement. It is intended for natural resource professionals. Guidance for the nonindustrial private forest landowner interested in Farm Bill Programs can be found at the link below

(http://nacdn.net/news/publications/forestrynotes/reports/farm_bill_for_woodland_owners.pdf) or on the NRCS-NM website (www.nm.nrcs.usda.gov).

1) I work for the NRCS and do not have job approval authority to plan forestry practices, who is my local forestry expert (also known as a timber management officer)?

By county:

- Bernalillo District covers Bernalillo, Sandoval, Santa Fe, McKinley, Cibola, Valencia
505-867-2334
Lawrence Crane – lawrence.crane@state.nm.us
- Chama District covers Rio Arriba, San Juan, western half of Taos
575-588-7831
Jose Carrillo - jose.carrillo@state.nm.us
- Cimarron District covers eastern half of Taos, Colfax, Union
575-376-2204
Arnie Friedt - arnie.friedt@state.nm.us
- Las Vegas District covers Mora, Harding, San Miguel, Guadalupe, Quay, Curry
505-425-7472
Shannon Atencio - shannon.atencio@state.nm.us
- Capitan District covers Roosevelt, Chavez, Lea, Eddy, Otero, Lincoln, DeBaca
575-354-2231
Frank Silva – frank.silva@state.nm.us
- Socorro District covers Socorro, Catron, Sierra, Dona Ana, Luna, Grant, Hidalgo
575-835-9359
Nick Smokovich – nick.smokovich@state.nm.us
- Santa Fe – State Timber Management Officer – 505-476-3343
Andrew Frederick – andrewg.frederick@state.nm.us

2) I am working with a landowner whose property was affected by a wildfire. What guidance can I provide them for burned area rehabilitation?

- Reference the Burned Area Rehabilitation Technical Note or
<http://allaboutwatersheds.org/library/inbox/nm-wildfire-information/new-mexico-wildfire-information-home>

- 3) I am a certified conservation planner with job approval authority for forestry practices, how do I work with State Forestry?
 - The expectation of the State Conservationist and the State Forester is that State Forestry staff will be the forestry planning experts for New Mexico. While you have the authority to plan these practices you should still consult State Forestry for the latest science by email or phone call.
- 4) I am an NRCS planner but do not have job approval authority for forestry practices, can State Forestry's signature count for check-outs on forestry practices?
 - Yes, per the cooperative agreement.
- 5) How much advance notice does State Forestry need to visit a site?
 - Depending on the season, availability of staff, and other issues, it could be a week to a month. As early as possible, notify your State Forestry division staff of upcoming deadlines and potential forestry contracts so they may set aside time to work with you.
- 6) Who takes care of billing for their time?
 - This is not a concern of the Field or Area offices because it will be handled at the State Office level.
 - Each Forestry Division District Office has access to and awareness of a reporting system (OARS) where time spent on EQIP or WHIP or other forestry projects will be recorded. Final reports and billing will be handled by the State Office with assistance from the Forest and Watershed Office. Please reference the OARS memo for instructions.
- 7) Can a nonindustrial private forestland owner get a Farm and Tract Number from FSA, if they aren't eligible for FSA programs?
 - Yes, because the rules state that a landowner simply has to be eligible for a farm bill / USDA program to get a number.
- 8) What forestry projects are considered "undertakings" and require cultural resource clearance?
 - Please refer to <http://www.nm.nrcs.usda.gov/technical/tech-notes/cultural/cult11a1.pdf>
 - If you're unsure where it fits into these categories, please consult the NRCS State Office Cultural Resource Specialist for further advice (505-761-4400).

Practice	Exemptions	Undertaking Subject to Standard Consultation
384 Woody Residue Treatment	Work conducted on foot with hand held tools.	Work completed with heavy equipment; bobcat, dozer, burning, etc.
666 Forest Stand Improvement	Work conducted on foot with hand held tools.	Work completed with heavy equipment; bobcat, dozer, burning, etc.

655 Forest Trails and Landings	Maintenance / repair that does not exceed previous disturbance.	New construction or where work exceeds previous disturbance.
383 Fuel Break	Work conducted on foot with hand held tools.	Work completed with heavy equipment; bobcat, dozer, burning, etc.

- A non-comprehensive list of forestry practices is shown above.

9) Can State Forestry staff assist on arch surveys?

- No, State Forestry's use of the ARMS database to check for recorded sites is not the same as the cultural resource clearance procedure conducted by the NRCS. A cultural resource clearance by qualified NRCS staff is the only acceptable form of cultural resource clearance.

10) Does hand-falling, then mastication or chipping require cultural resource clearance?

- These practices vary on a case-by-case basis so consult the NRCS Cultural Resource Specialist prior to implementing the practice.

11) Regarding BIA and tribal projects: *(response from Jonathan Martin from the BIA)*

- The BIA is the primary federal agency responsible for management of natural resources on tribal lands and so permitting, environmental clearance, funding and management planning are all within their area of responsibility.
- At this time they are involved in a region wide effort to have approved management plan on all tribal forested acres in the SW. These plans are intended to provide broad guidance on management of forest lands. Any other efforts can be tiered off the EAs and other clearances required for approval of these plans. These plans typically cover "trust" acres and not fee lands or individual allotments.
- It is recommended that the Forestry Division work with either tribal programs or BIA agency staff and ask if they have a plan. In the past a big concern for the BIA is NEPA compliance since most actions are federal.

12) How are eligibility requirements different for forest land owners?

<http://www.nrcs.usda.gov/programs/eqip/>

- NIPF landowners are exempt from the \$1000 agricultural production requirement that applies to producers with farm and ranch lands.

13) When are harvest permits required?

<http://www.emnrd.state.nm.us/FD/ForestMgt/ForestMgt.htm>

This is a slightly tricky question, so the answer has a few parts:

- The official administrative code that NM State Forestry is responsible for enforcing is: 19.20.4 NMAC – Commercial Timber Harvesting Requirements.
(1) Activities requiring harvest permits are described in 19.20.4.8 NMAC.

- Permits are the responsibility of the landowner, not the NRCS staff. However, NRCS staff should inform the landowner that a permit may be required if they are selling material or exchanging it "goods for services" with a contractor. There are certain exemptions; consult a district forester or TMO for more information.
- Harvest plans can be incorporated into a conservation plan easily, thus reducing the need for extra work. Criteria are found in Woodland/Forest Tech Note 42 at: http://www.nm.nrcs.usda.gov/technical/tech-notes/forestry_wood.html
- Check-outs on a harvest permit have been used to check-out a practice (ex. - harvest requires the landowner reduce stocking to 50 sq ft of basal area, an EQIP contract requires the landowner to reduce the basal area to 50 under a 666 (Forest Stand Improvement) CIN, so state forestry personnel can do a cruise for their permit and simultaneously certify the practice is complete for NRCS.
- Permits can protect the landowner from contractors who may enter the property and not complete the job they promised to do (i.e. not closing roads, removing damaged trees, or replacing damaged crossings or culverts.)

14) What are best management practices (BMPs)?

- BMPs are mitigation actions to prevent or reduce soil erosion that any landowner must follow when cutting any tree or shrub on any size property (19.20.4.9 NMAC Forest Harvest Practice Standards)
- They have been incorporated into the standard and specs, so if the landowner follows the rules of the program and complies with standards and specs they should be fine with the BMPs.
- BMPs are described in the booklet "New Mexico Forest Practices" which is available for free from any Forestry Division office or online (www.nmforestry.com)
- Alternate practices may be requested and approved through the Forestry Division's Timber Harvest Permit process.

15) What are NRCS standards and specifications?

- Standards establish the acceptable level of quality for planning, designing, constructing, operating, and maintaining conservation practices.
- Specifications are documents that establish the technical details and workmanship required to install the practice in accordance with the requirements of the practice standard.
- They can be found at <http://www.nm.nrcs.usda.gov/technical/fotg/section-4/std-specs.html>

16) What are job sheets?

- They are related to the standards and specifications, and must be filled out for practice implementation. State Forestry should recognize the Forest Stand Improvement job sheet as very similar to a Forest Health Improvement program work plan.
- For the implementation of a thinning project, Forest Stand Improvement and Woody Residue Treatment job sheets should BOTH be completed, even if only ONE practice is funded with financial assistance payments.

- 17) Is there a way to rank out smaller acreage projects?
- Legally, at this time, there is no way to require any minimum acreage for any land use. Forest land is no exception.
- 18) What if wildlife habitat is a concern or priority for the landowner?
- NRCS uses Wildlife Habitat Evaluation Guides (WHEGs) for Resource Management System level planning. They can be used to assess existing habitat, and to derive habitat improvements. They are posted at: <http://www.nm.nrcs.usda.gov/technical/fotg/section-2/whogs.html> and address species such as Mexican spotted owl, bees, bighorn sheep, beaver, pheasant, pronghorn antelope, rainbow trout, turkey, elk, white-tail and mule deer, willow flycatcher, and others.
- 19) When should we discuss planning with the landowner?
- Always use the conservation planning process to come up with alternatives that address each landowner's resource concerns and their objectives. Once the producer has decided what he/she wants to do, help them record their decision in a conservation plan (when and where they want to install the practice).
 - *Remember the focus of this cooperative agreement is planning practice application for contracts. Broad-scale planning will be left in the hands of contractors and technical service providers.*
- 20) What type of plan is required for a forest landowner to receive payment incentives?
- A conservation plan is required. A stewardship or forest management plan is strongly recommended but is not required.
 - Stewardship plans are generally accepted as NRCS conservation plans, but a record of decision must be entered into the NRCS software, Toolkit.
- 21) What happened to the EQIP payment schedules for 2012?

<http://www.nm.nrcs.usda.gov/technical/fotg/section-1/costdata.html>

- The payment rates have been regionalized and are no longer set on a state-by-state basis.

- Based on cost per acre, NOT the scenario description, Seth Fiedler created a crosswalk between 2011 and 2012 payment schedules. The "cross walk" below should assist

Criteria for Rate of Removal		
Type	BA Removed (sq. ft/ac)	TPA Removed
Light	10 – 39	<300
Medium	40 – 59	300 – 799
Heavy	>60	>800

planners in identifying the most applicable 2012 replacement for 2011 scenarios. Final decisions on appropriate scenarios are the responsibility of the planner and area staff.

Crosswalk - 2011 to 2012		
666	1-Light	Light Treatment with a hand crew
666	2-Medium	Uneven Aged Management, Mastication Treatment
666	3-Med Steep or Heavy	Uneven Aged Management, Mastication Treatment
666	4-Heavy Steep	Even Aged Treatment or Maintenance Treatments
666	5-Mastication, Medium	Uneven Aged Management, Mastication Treatment
666	6-Mastication, Heavy	Uneven Aged Stand Treatment , high density stands or difficult access

22) What about landowner privacy concerns?

- NRCS must comply with the Freedom of Information Act (FOIA).
- NMSF must comply with the Section 1619 which states:
 - The Conservation Cooperator will use the protected information only to perform work that is directly connected to plan, design, layout and checkout of forestry related conservation practices. Use of the protected information to perform work that is not directly connected to provide conservation related services are expressly prohibited.
 - The State’s “sunshine law,” “open records act” or other version of the Freedom of Information Act is superseded by section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by section 1619 must not be released under such State laws.
 - Protected Information
 - An example of the type of information prohibited by disclosure under Section 1619 includes, but is **not limited to**, the following:*
 - Location of conservation practices.
 - State identification and county number (where reported and where located).
 - Producer or landowner name, business full address, phone number, Social Security Number, and similar personal identifying information.
 - Farm, tract, field, and contract numbers.
 - Production shares and share of acres for each Farm Serial Number (FSN) field.
 - Acreage information, including crop codes.
 - All attributes for Common Land Units (CLUs) in USDA's Geospatial Information System

- Any photographic, map, or geospatial data that, when combined with other maps, can be used to identify a landowner.

23) Who is the new NRCS liaison?

- Until one is hired by NM State Forestry, NRCS staff should contact their local TMO at a District Office (see Question 1), the State TMO - Andrew Frederick (Q1), or Susan Rich at 505-345-2200 or susan.rich@state.nm.us.

This document was compiled in March of 2010, and updated in July of 2012, with the best knowledge available at the time by Jessi Ouzts, former NMSF liaison to NRCS.