



STATE FORESTER PRIORITIES FOR *The Farm Bill*

BACKGROUND



The Farm Bill is on track to be reauthorized in 2018 and will include important conservation provisions that help state forestry agencies carry out their missions to conserve, protect, and enhance America's trees and forests. By enhancing support for America's trees and forests, this critical piece of legislation can provide a unique opportunity to support rural America's economic backbone and improve the quality of life of our nation's communities.

FOREST FACTS



- There are 750 million acres of forests in the United States including 136 million acres of urban and community forests.
- Nearly 60 percent of America's forests are privately owned.
- 90 percent of the nation's wood supply comes from privately owned land.
- The United States pulp, paper, packaging, and wood products manufacturing industry manufactures more than \$200 billion in products annually, and employs approximately 900,000 people (AF&PA).

FORESTS AND THE NEXT FARM BILL



The National Association of State Foresters encourages members of Congress to support Farm Bill policies and programs that:

- Enhance public and private forest management to help achieve efficient long-term conservation of our nation's state, private, and public forests;
- Bolster community trees and public support for forestry through reforestation initiatives and green infrastructure programs;
- Protect forests from threats such as insects, diseases, and wildfires by increasing forest management;
- Expand and diversify forest markets by providing support for industries that use wood products such as biomass or timber;
- Strengthen the role of State Foresters and Forest Action Plans by expanding on Good Neighbor Authority and other programs like it that strengthen forest partnerships.



A. Enhance Public and Private Forest Management

- Establish through the Secretary of Agriculture an interdepartmental working group to review public-private funding mechanisms supporting private and municipally owned forest management for water quality and to produce a plan within 18 months that identifies existing, and recommends additional, federal and private sector funding opportunities.

Although partially supported by the “EPA 319 grants” in some states, state water quality and BMP programs are largely state-funded despite delivering the necessary activities to ensure water quality outcomes from silvicultural activities on private land. The Clean Water Act requires states to comply with national direction but does not currently provide an adequate funding source to fully implement silvicultural BMP programs.

The working group would also address funding mechanisms supporting water quality in urban and community areas in impaired watersheds and forested areas adjacent to metro areas.

- Establish the authority and funding provision within the Forest Stewardship Program (FSP) and Urban and Community Forestry (UCF) Program that would provide special technical assistance services and existing analysis to local governments in coordination with state forestry agencies. Assistance and tools would be targeted towards areas identified in state Forest Action Plans as projected to be at risk of conversion to other land uses, and used to promote incorporation of forest resource data in land use planning. This would not require FSP or UCF funding to be used for this, but amend the authority to allow it and recognize the importance of the issue of loss of forestland and the role of local planners
- Institute a federal tax credit instead of a deduction for property tax paid on forestlands that are enrolled in the Forest Stewardship Program or comparable programs which show ongoing sustainable management.

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● Revise Section 10 of the Endangered Species Act (ESA) that authorizes Habitat Conservation Plans, Safe Harbor Agreements and Candidate Conservation Agreements {Section 10(a)(1)(A) & (B)} to:

- Authorize the Secretary to reimburse landowners for costs associated with the development and implementation of agreements including the loss of traditional income opportunities due to revised management practices
 - To implement this program provide that “of the funds available from the Commodity Credit Corporation the Secretary of Agriculture shall make available (\$10,000,000) annually for 10 yrs.
- Require that the Secretary act in a timely fashion to review and respond to all documentation required of the landowner, and where a timely response is not achieved the Secretary shall issue a temporary incidental take permit in the case of a proposed Habitat Conservation Plan or temporary Enhancement of Survival Permit in the case of a proposed Safe Harbor Agreement or Candidate Conservation Plan.
- State that where aquatic species are involved—whether freshwater or anadromous—the Secretary shall accept state approved forestry best management practices for water quality protection as sufficient to warrant an agreement and permit.
- State that Section 7 requirements need not be met for Section 10 agreements.
- Add to the required documentation information outlining the economic costs to the landowner due to current ESA compliance, how cost would be affected by a proposed plan and how cost would be affected by a finding that the proposed plan does not support issuance of a permit.
- On federal lands, allow agency biologists to make “may affect and not likely to adversely affect” determinations without further U.S. Fish and Wildlife Service (USFWS) review of their determinations in order to expedite the environmental analysis process.
- Also on federal lands, where forested areas are determined to be at high risk for insect and disease infestation or wildfire, complete environmental analyses with one year of species survey data instead of two in order to avoid further risk from wildfire and epidemics.

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CONSERVE . PROTECT. ENHANCE.



- Support the removal of the 2/3s acreage limitation (of an easement area) for forest lands in the Agricultural Land Easements (ALE) component of the Agricultural Conservation Easement Program (ACEP). The ACEP was established in the 2014 Farm Bill and provides matching funds to purchase permanent easements. Program requirements instituted by Natural Resource Conservation Service (NRCS) include a limitation that lands being considered for enrollment cannot include forest land greater than 2/3s of the easement area, with the remainder in agriculture. The 2/3s limitation for forestlands eligibility limits program participation in certain areas, and runs contrary to the intent of direction provided in the 2014 Farm Bill by Congress.
- Include strong provisions for forests and forestry in conservation title programs that provide technical and financial assistance to private landowners. The financial and technical assistance provided through programs such as the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP) is invaluable in supporting small private landowners in their forest management objectives. State forestry agencies are proactively involved in working with the federal agencies in successfully implementing these programs.
- Reauthorize funding for the Regional Conservation Partnership Program at the current amount of \$100,000,000 annually. Amend the program's language to add an item to the partner application whereby evidence is provided that the partners have sufficient resources to complete the project as proposed.
- Utilize the National Association of State Foresters' approved federal forest lands platform to identify potential reforms to include in a 2018 Farm Bill. Support moderate reforms that build on the intent and success of the 2014 forest management Farm Bill authorities as well as additional proposals to improve federal forest health and resiliency.



B. Grow Community Trees and Public Support for Forestry

- Establish a five-year national private lands reforestation initiative with special income tax based incentives and targeted at regions experiencing rapid land development and/or forest loss or wildfire and insect and disease devastation to include:
 - a) Bill and/or report language recognizing the dedicated five-year initiative and establishing the priority for such purposes within Forestry title programs,
 - b) Dedicated attention by the Federal Resource Coordinating Committee (FRCC) to coordinate strategies and efforts across all USDA agencies,
 - c) Landowner option of tax credit or deduction for reforestation costs and
 - d) Target areas identified in RPA and/or state Forest Action Plans.

This initiative would help address projected conversion of forest land to agriculture and development, as well as support reforestation needs on private land following wildfire and forest health incidents.

- Establish a green infrastructure tree planting and maintenance program for communities to improve human health, water quality, reduce storm water flooding and treatment, reduce energy costs, increase business opportunities, reduce crime and improve air quality. In addition to trees in urban areas and communities, this would tie into watershed improvement work upstream (i.e. runoff), and link to Forest Action Plans and EPA impaired rivers/streams.



C. Protect Forests from Threats

- Direct the USDA Forest Service in conjunction with the State Forester and in consultation with the state Forest Action Plan to develop annual targets as part of the budget process for implementation of Sec. 8204 of the 2014 Farm Bill Insect and Disease Infestation (this includes the implementation of up-to 3,000 acre insect and disease projects using a categorical exclusion (CE) and the expedited Healthy Forest Restoration Act authorities) after designation of treatment areas in the affected state. Extend deadline for priority projects to utilize the Healthy Forest Restoration Act EA/EIS processes as identified in section 602(d)(2). NASF is concerned about how fully this authority which was authorized in the 2014 Farm Bill is being implemented.
- Develop a program for federal lands at high risk for wildfire, similar to the insect and disease treatment program designations. Following a request by a governor of a state to designate at-risk areas, allow the agencies to analyze projects up to 3000 acres with a CE. NASF concern for situations where federal forests and adjoining private land will be devastated in wildfires awaiting lengthy National Environmental Policy Act (NEPA) processes.
- Incorporate comprehensive wildfire funding reform language into the Farm Bill. To the extent that the Farm Bill process can help facilitate a Congressional solution to this issue, NASF would support those efforts. A comprehensive solution should address fire transfers (fire borrowing) and the continued erosion of Forest Service non-fire program budgets over time due to the increasing cost of the 10-year rolling average. NASF has supported several legislative proposals previously that propose comprehensive solutions.



D. Expand and Diversify Forest Markets

- Support strategies that expand opportunities for utilization of woody biomass, particularly for renewable energy by ensuring that woody biomass receives the same incentives and tax advantages as other renewable energy sources and programs.
- Include tall timber building legislation as part of the Farm Bill in order to advance utilization opportunities.
- Support strategies and programs that expand urban wood utilization and markets
- Support federal procurement policies that favor the use of domestically produced wood and paper products and an inclusive approach to forest certification that equally recognizes all forest certification programs operating in the United States.
- Support measures which allow for longer term assurance of wood supply in order to attract and retain forest industry. For example, support inclusion of Senate Bill 326 “The Stewardship End Result Contracting Improvement Act.” S. 326 would allow agencies to set aside cancellation-ceiling funds in stages that are economically or programmatically viable.

The bill would also require that any excess stewardship payments first be used to satisfy outstanding cancellation-ceiling liabilities. Currently, the Forest Service and Bureau of Land Management must set aside the full amount at one time which the Government Accounting Office has identified as an impediment to entering into longer term contracts that would be more effective at accomplishing needed vegetative management. The Department of Defense similarly uses multiyear cancellation-ceiling flexibility to enter into large contracts without immediately setting aside the full amount.



E. Strengthen the Role of State Foresters and Forest Action Plans

- Codify the Landscape Scale Restoration program, highlighting the importance of state Forest Action Plans and focusing funding on the highest national priorities in those plans.
- Encourage federal forest management agencies to utilize a portion of the hazardous fuels program to support cross-boundary fuels reduction work, particularly in areas identified as priorities in state Forest Action Plans.
- Expand opportunities to utilize Good Neighbor Authority by removing the “exception” for reconstruction, repair and restoration of forest roads in the Farm Bill GNA. Without the ability to replace culverts or reconstruct roads, Good Neighbor Authority will have limited application in forest management projects. The projects, which would be implemented by State agencies, go through the NEPA process and are approved by a designated responsible federal land management agency.
- Retain legislative requirements that forest management plans be prepared by professional foresters to qualify for federal funding.
- Encourage NRCS to recognize state approved Forest Stewardship Plans, developed based on USFS Forest Stewardship Program guidelines, as equivalent to the requirements laid out in the NRCS CPA-52 evaluation form. State forestry agencies face barriers in delivering sufficient technical assistance capacity due to a lack of nationally consistent federal agency compatibility and mutual recognition of NRCS-EQIP and USFS Forest Stewardship Plans. When a landowner has an approved Forest Stewardship, the NRCS CPA-52 evaluation form would not need to be completed; this eliminates duplicative processes and enhances capacity.
- Authorize \$10 million in dedicated funding above and beyond annual appropriated federal funding delivered to state forestry agencies to support 10-year updates of Statewide Forest Resource Assessments and Strategies, also known as State Forest Action Plans. Collectively these state plans are the nation’s strategic plan for all forests across all ownerships. Dedicated federal funding is in the national interest to support comprehensive and collaborative updates serving all lands.

