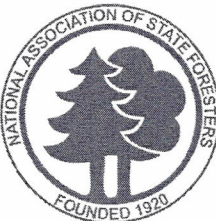


015

NATIONAL ASSOCIATION OF

444 North Capitol Street NW | Suite 540 | Washington DC 20001



202-624-5415 Phone | 202-624-5407 Fax | www.stateforesters.org

STATE FORESTERS

March 7, 2011

Community Forest Program
U.S Forest Service
State and Private Forestry, Cooperative Forestry
1400 Independence Avenue SW., Code 1123
Washington, DC 20250

To whom it may concern:

The National Association of State Foresters (NASF) is a non-profit organization comprised of the directors of all of the nation's state and territorial forestry agencies. Our members have a public trust responsibility for managing and protecting two-thirds of the nation's forestland, which is held in private or non-federal public ownership. We greatly appreciate the opportunity to provide the following comments regarding the Community Forest and Open Space Conservation Program (CFP) as contained in the *Federal Register* on January 6, 2011 (Vol. 76, No.4, Page 744).

§230.2 DEFINITIONS

The definition of "forest lands" found in the proposed rule includes lands that are at least five acres in size, suitable to sustain natural vegetation, and at least 75% forested. To account for the variation in forest types from state-to-state, we propose that the agency replace the proposed definition with the following:

Forest lands. Lands that are defined in state statute, state regulation, by the state forester, State-wide Forest Resource Assessments and Strategies, or as defined by the state Assessment of Need (through the Forest Legacy Program).

We also propose that applicants be required to consult with a forester when drafting their community forest plan (see trailing comments under §230.4 APPLICATION REQUIREMENTS). We define forester as follows:

Forester. A professional that holds a bachelor's degree (or higher) from an SAF-accredited forestry program or is licensed, certified, registered or otherwise credentialed by states or other certifying bodies.

§230.3 APPLICATION PROCESS

The Federal Register notice (Vol. 76, No.4), through the supplementary information on page 745, indicates, "The proposed rule requires the State Forester or equivalent Tribal Government official to forward all applications with *recommendations* to the Forest Service." We do not believe the 2008 Farm Bill requires State Foresters to provide a recommendation and support the language included in the proposed rule that tasks State Foresters with reviewing and providing an assessment of each application. We support the language (as found in §230.3(a)) that provides flexibility for State Foresters to provide recommendations should that responsibility be desired.

Executive Director
Jay Farrell

2011 Executive Committee

President Jeff Jahnke, Colorado
Vice President John T. Shannon, Arkansas
Treasurer C. Randy Dye, West Virginia
Past President Steven W. Koehn, Maryland

Northeastern Representative
Western Representative
Southern Representative

Lisa Allen, Missouri
Chris Maisch, Alaska
Charlie Morgan, Mississippi

The proposed rule indicates that State Foresters will review all applications by local governments and qualified nonprofits for eligibility and compatibility with landscape conservation efforts. State Foresters will forward applications to the Forest Service along with an assessment of the application and a description of the technical assistance they may render in support of applications and an estimate of needed financial assistance. In terms of identifying technical assistance that State Foresters may provide, is the Forest Service looking for potential costs of land management support over time or for front end planning support? If State Foresters need to identify technical assistance over time, what should the timeline be?

§230.4 APPLICATION REQUIREMENTS

The proposed rule defines “community forest plan” as a tract-specific plan that guides the management and use of the community forest, developed with community involvement. We believe it is appropriate to require all applicants to consult with a professional forester (see proposed definition in comments found under §230.2) particularly when providing descriptions of forest types and vegetative cover, describing the relationship of the property and its contributions to a landscape conservation initiative, accounting for the long-term use and management of the property and other forestry-related components of the community forest plan. All applicants should be required to consult with a professional forester when drafting their community forest plan, but only those plans included as part of a community forest project that has been funded under the CFP should be required to be approved by the State Forester.

§230.5 RANKING CRITERIA AND PROPOSAL SELECTION

The 2008 Farm Bill established the Forest Resources Coordinating Committee (FRCC). The FRCC is to provide direction and coordination of actions within USDA and with states and the private sector to address the conservation, protection and enhancement of the nation’s nonindustrial private forest land. The responsibilities of the FRCC seem to logically extend to establishing ranking criteria for the CFP.

NASF recommends that a community’s sustained commitment to their urban and community forests (e.g., as demonstrated through Tree City USA or other public recognition programs, hiring of city foresters, establishment of tree boards) should be considered when ranking applications. In addition, ranking criteria should also consider the community’s ability to manage the community forest after it is acquired through the program.

Most, if not all, states will include important statewide and landscape scale objectives relating to forest conservation and management, forest-based education, and other objectives (consistent with the CFP) in their State-wide Forest Resource Assessment and Strategy. We recommend additional ranking criterion should be included that give preference to those projects that are consistent with the goals, objectives, and strategies of the State-wide Forest Resource Assessment and Strategy in that state.

§230.10 TECHNICAL ASSISTANCE FUNDS

The proposed rule indicates CFP technical assistance funds will only be provided when a project is approved and funded in a State Forester’s jurisdiction. This would mean State Foresters would have to cover the administration cost of processing the application for projects that are not guaranteed to be approved. Further, state forestry agencies will likely be called on to provided technical assistance beyond the completion of the grant period (i.e. 2-3 years). State Foresters are unsure of how they would cover costs associated with providing administrative and technical assistance associated with the CFP (i.e. prior to project selection and following the grant period). Should the money come from Urban and

Community Forestry, Forest Stewardship Program or Rural Forestry Assistance funds? NASF opposes diverting resources that will limit the important role existing programs have in responding to priorities identified in the State-wide Forest Resource Assessments and Strategies. Is it possible for states with projects submitted within their jurisdiction to be reimbursed for any technical assistance provided in helping applicants prepare proposals and draft community forest plans? Could states be reimbursed for time spent providing technical assistance and/or processing on a "per application" basis?

§230.09 Ownership and Use Requirements

The proposed rule calls for applicants to complete the final Community Forest Plan within 120 days of land acquisition. NASF recommends that applicants complete the final Community Forest Plan within 90 days of land acquisition and have it approved by the State Forester within 30 days of submission. Further, updates provided to the plan (on a 10 year basis as proposed) should be approved by the State Forester.

We greatly appreciate your consideration of our recommendations and look forward to working with the Forest Service as the agency moves forward with program implementation. Please do not hesitate to contact us in the event you have questions as you move forwards in finalizing program rules.

Sincerely,

A handwritten signature in dark ink, appearing to read 'JJahnke', is written above the printed name.

Jeff Jahnke, President