

Comments on Proposed Rule: Community Forest and Open Space Conservation Program (pages 744-751 of Federal Register / Vol. 76, No. 4 / Thur. Jan. 6, 2011 / Proposed Rules):

Under “Eligible Entities” (page 745)

- Park districts, as they are established under Ohio Revised Code, would seem to meet the criteria for “local governments” and they may be a common applicant for the program (in Ohio and other states). Accordingly, it may be useful to list them in the definition, as either an example or as one of the listed local governments in the definition.

Under “Ensuring Permanence of Community Forest Projects” (page 746)

- The last paragraph in that section addresses the penalty for selling or converting CFP lands to non-forest use. I suggest amending the following sentence to read: “In the event that these conditions are violated, the law requires that the grant recipient pay the Federal Government an amount equal to the greater of the current sale price or current appraised value of the land *in proportion to the original Federal investment.*” (bold, italicized text was added)

Under “§ 230.2 Definitions” (page 748)

- I suggest amending (2) under the definition for “Community benefits” to read as follows: “Environmental benefits, including clean *air and* water, stormwater management, and wildlife habitat;” (bold, italicized text was added)

Under “§ 230.3 Application process” (page 749)

- I have concerns about the current wording in the following text:
“(d) In accordance with the RFP, the State Forester or equivalent Tribal Government official will forward **all** applications to the Forest Service, and (1) Provide an assessment of each application, and (2) Describe what technical assistance they may render in support of applications and an estimate of needed financial assistance (§ 230.10).”
 - One concern is that “**all**” applications will be forwarded to the Forest Service. Based on current experience with the Forest Legacy Program, the quality of applications could vary significantly, and I suggest some means in which State Foresters (or Tribal governments) might prioritize the applications and/or select a subset of applications to forward to the Forest Service, as prioritized by the State Forester or State Forest Stewardship Coordinating Committee. At a minimum, I suggest amending the preceding text to read “...will forward all applications to the Forest Service *that meet the criteria listed in § 230.3 (c)*” (of the proposed rule), as that would provide a means of forwarding only projects that are eligible and contribute to a landscape conservation initiative.
 - A second concern about this section relates to the program administration assistance that State Foresters or Tribal Governments provide during the application process without any possibility of administration funds (since under the current wording of the proposed rule, funds for program administration are only allowed after CFP projects have been funded in a given state). Administration funds should be allowed for states prior to CFP projects being funded to assist State’s in putting forward competitive projects. This is especially important right now, with shrinking staff and state budgets. One option for providing administration funds would be to augment the funding for Forest Legacy program administration funds and allow those funds to be used for both program (FLP and CFP).

Under “§ 230.4 Application requirements” (page 750)

- I have concerns about requiring a draft Community Forest Plan for the application as listed in (c) (4) of this section of the proposed rule. While a draft plan could be included with the application, I recommend making it optional. It should be required as part of the program, but I recommend delaying its development until a project is funded by CFP. Having such a plan is not critical to the review of applications, but rather implementing a funded project. In addition to the inefficiencies of plan development for unsuccessful applications, there may also be constraints on access to the property prior to acquisition.

Under “§ 230.6 Project costs and cost share requirements” (page 750)

- For (d) of this section, which discusses requirements for cost share contributions, I suggest removing item (5) relating to “borrowed funds”. Non-profit organizations sometime pursue bank loans to allow them to protect properties in a timely manner (e.g., during “stop gap” acquisitions) until they can raise the necessary funds through capital campaigns or other fund-raising activities. Monies from such loans contribute directly to the land acquisitions, they are accountable, and they should therefore be allowed as cost share.

Under “§ 230.7 Grant requirements” (page 751)

- Change (c) to allow *extensions for up to 2 years* (total of 4 years, including the initial 2-year grant period).

Under “§ 230.9 Ownership and use requirements” (page 751)

- I suggest changing (a) to read: “Complete the Community Forest Plan within 120 days of the land acquisition...” Delete the word “final” before “Community Forest Plan.” This suggestion is made in conjunction with the previous comment about § 230.4 that suggested removing the requirement of a draft community forest plan at the time of application.

Under “§ 230.10 Technical assistance funds” (page 751)

- With the State’s significant experience with land acquisitions using state funds and grant funds (including the Forest Legacy Program) and with forest plan development, administrative grants will be useful to help implement community forest project funded through CFP. However, state foresters could also provide significant support in program administration and technical assistance prior to projects being funded (i.e., during early program rollout and during the application and project selection period). I suggest that the CFP allow the awarding of technical assistance funds to state foresters and/or Tribal governments before CFP projects have been funded, to help get the program started and to develop competitive applications with partner communities.

Preceding comments submitted by:

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