



American Forest Foundation

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Robin Heard, Director
Easement Programs Division
U.S. Department of Agriculture
Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013-2890

RE: Farm and Ranchland Protection Program Interim Final Rule

Dear Director Heard:

The American Forest Foundation is pleased to offer comments on the Farm and Ranchland Protection Program (FRPP), interim final rule, as contained in the *Federal Register* on January 16, 2009.

FRPP has tremendous potential to help conserve the over 75 million acres of family forest land that are part of farm operations in the U.S. The Foundation, through its network of over 90,000 family forest owners, conservation partners, and environmental educators, strives to create a future where North American forests are sustained by a public which understands and values the social, economic, and environmental benefits they provide to our communities, our nation, and the world.

Families and individuals own roughly 262 million acres, the largest forest ownership group in the U.S. These family-owned forests, sometimes referred to as nonindustrial private forests, conserve our water, provide wildlife habitat and recreational opportunities, clean our air, and produce renewable forest products and energy.

Because almost one-third of U.S. family-owned forest land is part of an agriculture operation, it is important that FRPP adequately allows farmers who also own forest land, to enroll both land types in one program. While there are other easement programs available for family forest owners, including the Forest Legacy Program, it's important that programs remain as flexible as possible to allow for varying mixes of agriculture and forest ownerships.

We offer the following comments regarding the forest-related elements in the rule.

Inclusion of forest land. We support the changes made to the program to include both incidental forest land as well as forest land that contributes to the economic viability of an agriculture

operation or serves as a buffer to protect an agriculture operation. We have several suggestions for improving the program further, with respect to the inclusion of forests:

- **Define agriculture operation.** Whether in regulations or agency guidance, the term “agriculture operation,” as used in the context of eligible land should be more clearly defined. This term should include operations that produce wood products or other forest commodities.
- **Flexibility for including forest acreage.** There’s no clear rationale as to why an easement cannot contain more than two-thirds forest land. While we do see why an estimated figure might be helpful in considering projects, we urge some flexibility in this figure to allow greater acreages, if the forest meets the “viability” test. This would be more reflective of Congress’ intent, since no statutory restriction is placed on amount of forest land that can be enrolled.
- **Add nonindustrial distinction.** Forest land as defined in section 1491.3 should be limited to nonindustrial forest land, to ensure a focus on family farmers who own forests.

Forest management plan requirements. The definition included in this section is appropriate, allowing for a number of different types of forest plans to meet the requirements. However, we would encourage that an additional category be added to include forest management plans developed under third-party audited, forest certification system, such as the American Tree Farm System®. While in some states, Tree Farm plans will be deemed equivalent to a Forest Stewardship Plan, this is not consistent nation-wide. For ease in implementation, we urge a national recognition of Tree Farm and other plans developed under other similar systems.

We support the additional requirement of a forest management plan, for forest land enrolled in the program above 10 acres or 10 percent of the easement area. Forest management plans are excellent conservation tools that help landowners construct their management and conservation activities. Also, if forests that are part of agriculture operations are covered by a forest management plan, it is often a sign that the landowner believes their forest land is a significant part of their agriculture operation.

Ranking considerations and proposal selection. While FRPP is a program focused on traditional agriculture lands, Congress clearly included forest land that contributes to the overall viability of an agriculture operation. With this clear direction, it will be important to consider, in ranking projects that include forest land, State Forest Resource Assessments and Strategies, required by section 8002 of the 2008 Farm Bill. These Assessments and Strategies will outline priority forest areas and issues which could then be used to rank forest-related FRPP projects. It is critical that the various programs complement each other to accomplish landscape goals.

Thank you for your consideration.

Sincerely,

Rita Neznok
Vice President, Public Affairs