



ALASKA August 15, 2006

AMERICAN SAMOA

ARIZONA Robin Heard
Acting Director, Easement Program Division
Natural Resources Conservation Service
P.O. Box 2890
WASHINGTON, DC 20013-2890

CALIFORNIA

COLORADO

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS Re: Healthy Forests Reserve Program

FEDERATED STATES OF MICRONESIA I am writing on behalf of the Council of Western State Foresters to provide comments on the Interim Final Rule for the Healthy Forests Reserve Program as posted in the Federal Register (v 71, No. 95). The Council of Western State Foresters is comprised of the directors of the seventeen State forestry agencies and six Pacific Island forestry agencies of the West. The mission of the CWSF is to promote science-based forest management that serves the values of society and ensures the health and sustainability of western forests.

GUAM

HAWAII

IDAHO

KANSAS The Council was involved in the development of the Healthy Forests Restoration Act in 2003, and continues to support most to the provisions in that policy. Title V of that Act establishes the Healthy Forest Reserve Program, and although implementation of that program has thus far been limited to the south, the CWSF is supportive of its continued growth. Our comments here are directed to the Natural Resources Conservation Service as they seek to improve the regulations for implementation.

MONTANA

NEBRASKA

NEVADA

NEW MEXICO

Definitions

NORTH DAKOTA One important missing element in these rules is a definition of “forestland”. The agency will be well-suited to develop such a definition, as it will clarify which lands are eligible for the program. We tend to prefer definitions that specify a percentage (usually 10%) of crown cover as a requirement.

OREGON

REPUBLIC OF THE MARSHALL ISLANDS

Healthy Forest Restoration Plan

REPUBLIC OF PALAU It may be helpful to clarify whether or not existing plans prepared for other programs, such as multi-resource Forest Stewardship Plans, would be acceptable if their content is consistent with the requirements of an HFRP plan. Every effort should be made to help landowners avoid redundant planning requirements.

SOUTH DAKOTA

UTAH

WASHINGTON

Compatible Management Activities

WYOMING The inclusion of some forestry practices and exclusion of others is potentially problematic. For example, clearcut harvesting is specifically prohibited as being inconsistent with threatened and endangered species habitat conservation. If this were true, it would invalidate the provisions of numerous Habitat Conservation Plans already approved and currently in effect on millions of acres of private and public forest lands in the west.

In Washington State, the Forest Stewardship Program Wildlife Biologist, Jim Bottorff, who has over 25 years of specific experience and expertise in federal threatened and endangered species habitat management, and has helped to author or review several forestry-related Habitat Conservation Plans, offers a specific example:

In the west, vast tracts of forest are dead and dying due to drought and subsequent insect attacks. The result is a widespread loss of habitat for T&E species such as lynx, wolf, and grizzly bear. Clearcutting in such stands (including the sale of merchantable logs), with appropriate retention of snags and wildlife trees, is actually a desirable treatment to help restore understory habitat and accelerate the development of both plant and animal diversity for the benefit of these federally listed species.

The determination of compatible practices, and development of management prescriptions, is most appropriately made on a site specific basis by a qualified forestry professional. We recommend that the Rule strike language that directs foresters to exclude specific categories of treatment.

Compensation for Landowners Expenses

Surveying is mentioned as a potential expense for which a landowner may be compensated. It may be helpful to address the eligibility of potential additional expenses which might include such things as the professional services of private consulting foresters, biologists, and attorneys.

Technical Assistance

Most NRCS professionals are educated and experienced in disciplines other than forestry. Fortunately, in most western states, the State Forestry Agencies and NRCS enjoy a cooperative and mutually productive working relationship. State Foresters in the west welcome the opportunity to communicate with NRCS regarding needs for qualified technical assistance providers under this program. Additionally, State Foresters should be included in formal decision-making when landowners have applied for assistance through this program.

Finally, it's possible that the consulting services of private natural resource professionals may be required in order to enroll eligible landowners within an acceptable time frame. We encourage NRCS to consider allowing participating landowners to be compensated for this type of expense.

Cost-Share Rates

Most states with experience in administering technical and financial assistance programs for family forest owners, such as the Forest Land Enhancement Program, prefer actual costs, constrained by "not to exceed" rates, to the use of "average" rates. Average rates can be misleading when actual costs are so site specific.

Type of Easements

Reserved interest deeds would likely be easiest to administer and enforce. Negative restrictive easements may potentially be more difficult to manage because specific activities which are allowed, required, or prohibited may be subject to interpretation.

Compensation for Easements

100% compensation typically occurs in the cases of perpetual easements. You may wish to consider, whether or not, it is appropriate to offer the same level of compensation to a landowner who enrolls for a shorter period of time.

Eligibility of Pacific Islands

It is our understanding that the U.S. Pacific Islands are no longer entities referred to as "Trust Territories of the Pacific", with some maintaining their relationship to the U.S. via "compacts of free association".

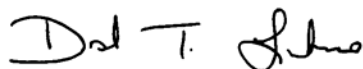
USDA Forest Service legal staff have advised that the entities of Palau, the Federated States of Micronesia, and the Marshall Islands are no longer considered “trust territories”, and therefore, would not be eligible for USDA programs under that designation. Language may need to be revised to ensure that all Pacific Islands are eligible for this program. We suggest specific mention of the six U.S. Pacific Islands to ensure inclusion: American Samoa, Federation States of Micronesia, Guam, Marshall Islands, Northern Mariana Islands, and Palau. Contact with USDA Forest Service Region 5 State and Private Forestry staff, who work with these Pacific Island entities, would be advisable.

Conclusion

Due to our widespread forest health issues, the potential application of a program like this in the western states is extensive. Although initial funding for this program is quite modest, we look forward to supporting NRCS in achieving the level of success which will lead to future expansion of the program.

Thank you very much for affording us the opportunity to comment, and please don't hesitate to contact us if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David T. Limtiaco". The signature is written in a cursive, flowing style.

David Limtiaco
Chair, Council of Western State Foresters