

**DRAFT in PROCESS 7-28-08**

**2008 Farm Bill  
Recommendations for Rulemaking**

**Conservation Reserve Program**

The purpose of CRP has been expanded to include "issues raised by State, regional, and national conservation initiatives" (Section 2101). It is suggested that rulemaking to identify national priorities for CRP should specifically include some aspect of those national priorities for forestry as identified in Section 8001. It is also recommended that upon completion, the Statewide Assessments and Strategies (Section 8001) be used to develop state-level initiatives for forestry related projects.

Relative to Sec. 2109 (Trees, Windbreaks, Shelterbelts, and Wildlife Corridors), new cost share payments (50/50) will be available to owner/operators to recover costs for maintaining trees or replanting stands that were lost due to conditions beyond the control of the owner or operator. Cost-share is also available for "thinnings." Circumstances of "loss" need to be clarified. It is assumed that loss in this case is not necessarily associated with disaster or catastrophic circumstances which are addressed elsewhere in disaster recovery programs. Rather, loss should include any documentable impacts that can be attributed to weather, insects/disease, fire, as well as invasive species. Unless otherwise specified, it is assumed that "thinning" applies to pre-commercial timber stand improvement activities, or at least that should be clarified. It appears to be the intent of the language to pay for any maintenance input, i.e. not necessarily related to loss. Those maintenance inputs need to be identified and should include insect/disease/invasive species prevention measures, fire prevention (fire breaks, fuels reduction, prescribed fire, etc), pruning, and other hardwood cultural measures.

A Senate amendment was proposed that would promote development of wildlife habitat in enrolled softwood pine stands. While not included in the bill, the Manager's statement provides guidance relative to the intent of the bill language.

Rulemaking language may be useful to clarify priorities and direction consistent with the Manager's statement

Subject to Section 2708 a waiver may be granted on the 25 percent county cap for CREP and continuous CRP acreage with the concurrence of the county government.

Rulemaking language may be useful to clarify priorities and direction consistent with the Manager's statement

Section 2106 establishes a pilot program to promote a buffer of "vegetative cover" around eligible wetlands. Such buffer lands may include "emerging vegetation" such as bottomland hardwoods, cypress, and other appropriate tree species.

Rulemaking should clarify the characteristics of "emerging" and distinctions between the ability of the owner to utilize artificial as well as natural regeneration techniques and subsequent cultural measures.

**Environmental Quality Incentives Program**

Farm Bill language provides an expanded emphasis on the inclusion of private forestland ownerships and related measures within EQIP.

It would seem appropriate that rulemaking to identify national priorities for EQIP should specifically include some aspect of those national priorities for forestry as specified in Section 8001.

The same specification of national priorities for forestry should be considered for awarding grants pursuant to Conservation Innovation Grants and Payments (Section 2509) since that program recognizes "forest resource management" as an eligible project

In addition it is recommended that rulemaking guidance to State Technical Committees emphasize the use of Statewide Assessments and Strategies (Section 8002) as a source of documentation and analysis to direct forestry related projects relative to EQIP

Section 2506 specifies that a qualifying program plan as approved by the Secretary for a forestry component in EQIP may be (1) a Forest Stewardship Plan, (2) a practice plan approved by the State Forester, or (3) a plan determined appropriate by the Secretary.

It is suggested that the respective State Forester, State Conservationist, and State Technical Committee mutually develop and agree upon criteria and specifications for the type of plan considered necessary.

**Cooperative Conservation Partnership Initiative**

Per Section 2707, the Secretary may enter into multi-year agreements with eligible partners to provide funding to address conservation priorities including non-industrial private forest land. Priorities include projects that deliver a high percentage of applied conservation measures consistent with state, regional, and national initiatives as well as areas that include a significant proportion of private forestlands.

Since 90 percent of project funding is to be determined by the State Conservationist with advice of the State Technical Committee, it is suggested that the respective State Forester provide guidance on findings and recommendations contained in the Statewide Assessment and Strategy (Section 8002)

**Conservation Stewardship Program**

The Secretary is charged with development of criteria for evaluating applications consistent with national, state, and local conservation priorities. In addition non-industrial private forest land is eligible subject to a 10 percent cap on total acres contained in the annual national enrollment (Section 2301).

It is suggested that the respective Statewide Assessment and Strategy (Section 8002) be used to guide selection and funding for proposed forestry projects at the state level.

**Community Forestry and Open Space**

Certain information is required on the part of the applicant as part of the grant proposal procedure [Section 8003(b)]

It is suggested that information include how the proposed project relates to the Statewide Assessment and Strategy (Section 8002) as well as the Forest Legacy Program

The State Forester is required to submit to the Secretary a descriptive list of proposed projects [Section 8003(b)].

While not stated, it may be inferred that the list should reflect some specification of priority, recommendation, or guidance from the State Forester on project selection

**Wildlife Habitat Incentives Program**

Section 2602(a) specifically references eligibility as including nonindustrial private forest land. Also, Section 2601(d) specifies that the Secretary may give priority to projects that address state, regional, and national conservation initiatives.

It is suggested that the Statewide Assessment and Strategy (Section 8002) be used for guidance on project evaluation and selection relative to forest-based wildlife habitat

**Emergency Forest Restoration**

The Secretary may make payments to landowners for emergency measures to restore damaged forestland [Section 8203(b)].

It is suggested that emergency measures include cost recovery for debris removal, removal of dead/dying/severely damaged trees, site preparation, tree seedlings, planting, and related cultural measures that would mitigate or prevent damage from subsequent events.

Eligibility requires documentation that the damaged land was in tree cover prior to the disaster.

It is suggested that USFS and respective State Foresters provide technical assistance to impacted landowners providing necessary information