

# Forest Legacy Program Q&A

As part of the 1990 Farm Bill, Congress created the Forest Legacy Program to identify and protect environmentally important private forest lands threatened with conversion to non-forest uses. The Forest Legacy Program in Iowa promotes the concept of protecting “working forests” and allowing continuation of traditional forest uses that follow a state forester approved Forest Stewardship Plan through acquisition of conservation easements from willing private woodland owners. Below are a few answers to some common questions.

## **Goals of the Forest Legacy Program in Iowa**

- To protect environmentally important forests that are threatened by conversion to non-forest uses, such as conversion to agriculture, gravel pits/mining, and residential and commercial development.
- To protect Iowa’s publicly owned or permanently protected forested tracts from environmental threats caused by the development of nearby forest areas
- To prevent and reverse the fragmentation/parcelization of Iowa’s contiguous forests by reconnecting parcels of land and keeping forests in contiguous parcels
- To preserve the beauty and public enjoyment of Iowa’s forested landscape.

## **Can I harvest timber from the forest covered by the easement?**

YES, you may harvest timber from your land as long as it follows your Forest Stewardship Plan.

## **Can the offer for the easement be negotiated?**

NO, the Forest Legacy Program will not offer more than 75% of the federally approved appraised value

## **Can I still qualify for federal/state cost share to conduct forestry improvement practices?**

YES, you may continue to apply for incentive cost-share programs to improve and sustain your forest.

## **Can I have an attorney representing me review the conservation easement?**

YES, you are encouraged to have an attorney representing you review this and any legal document.

## **How are Environmentally Important Forests Protected?**

Environmentally Important Forests are protected by the State Forester through the acquisition purchase or donation of conservation easements from willing sellers.

## **Does the conservation easement remain in effect when the land is sold or transferred?**

YES, the conservation easement remains in place if the forestland is sold. The new owner is still bound by the terms of the easement and may not convert the forestland to non-forest uses.

## **Once I sign the Forest Legacy Application am I bound to be in the Forest Legacy program?**

No, the application is just that - an application stating interest in participating in the Forest Legacy program. You are not bound until you agree to the offer and sign the conservation easement.

## **What is a Conservation Easement?**

Conservation easements are legal agreements made with property owners to forever restrict development on their forest land. The landowner retains ownership of the forestland and can continue the activities that occurred on the forestland in the past as long as they do not conflict with the terms of the easement.

## **Do I have to put all of my forest in the Forest Legacy Program or can I do just parts of my forest?**

No, In your legacy application you put in what lands that you wish to be included in the conservation easement. If after the offer is made and you wish to modify the acres placed - it will require a new appraisal and new offer.

## **How does the State Forester acquire these easements?**

Interested private forestland owners complete a Forest Legacy Application and forward it to the Iowa DNR Forestry Section. Each July, the Iowa DNR - Forestry Section in cooperation with the State Forest Stewardship Committee prioritizes and ranks the applications received and applies for USDA Forest Service forest legacy funds to pay for and to hold the title to the conservation easements. Usually several private forestland applications or tracts are combined by the Iowa DNR into a region or area wide Forest Legacy Project to better compete on the national level. For example, the Yellow River Legacy Project submitted in cooperation with the Iowa Natural Heritage Foundation involved 4 different private landowner applications involving over 1,100 acres of forests in and around the Yellow River State Forest.

## **How long does the process take to acquire the easement?**

It involves an 18-24 month process as each Forest Legacy Project from each of the 50 state foresters are prioritized and ranked at

the national level by the USDA Forest Service and recommendations are made to the US Secretary of Agriculture for inclusion into the President's Federal Budget for the upcoming federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>). Usually only one project from Iowa makes it into the President's Budget that is presented to Congress each January. Then each legacy project is reviewed by Congress (January through October) and if it meets their priorities, funding is appropriated (October through March of the new Federal Fiscal Year). Once the federal funds are appropriated by the USDA Forest Service (March through August of the new Federal Fiscal Year), the State Forester orders an appraisal of the private forests in the Legacy project and begins the drafting of the Conservation Easement in accordance with Code of Iowa Chapter 457A (July - December).

#### **What can an interested forestland owner do to make their application be prioritized by the State Forester?**

Work with your local DNR district forester or a consulting forester to complete or update your Forest Stewardship Plan. A Forest Stewardship Plan is an assessment of the forest resources on the property, landowner goals for ownership and develops an action plan for protection and sustainability of the forest. Complete a Forest Legacy Application ([www.iowadnr.com/forestry/legacy/](http://www.iowadnr.com/forestry/legacy/)) and submit it to the State Forester's office along with copies of your forest stewardship plan, deed and other supporting materials.

#### **What is the landowner offered for the Conservation Easement?**

The landowner is offered the market value of the easement based on an appraisal (paid by the state) that is conducted in accordance with federal appraisal standards. The Federal funds may fund up to 75% of easement. The required 25% match must come from other private, state, local sources or donations by the landowner. Due to limited state and local funding, typically the Iowa DNR ask the private landowner to consider accepting the 75% of the easement value by donating in-kind the 25% easement value. The State Forester completes the transaction and records the conservation easement at the county courthouse.

#### **Why should I become involved in the Forest Legacy Program?**

The Forest Legacy program is not for every forest landowner. It is for those forestland owners that desire permanent protection for their forests once they have left. It allows landowners, their heirs and successors to continue at their choice to conduct sustainable forestry work on their lands. Forest Legacy does not allow conversion of the forest to non-forest uses. But it will not force landowners to cut or harvest trees. For some forestland owners, the Legacy program may provide financial returns by selling their development rights. For others, it may involve donating the value of the easement for permanent protection. There are no fees or trusts required by the Iowa DNR to monitor the easement. In addition to gains associated with the sale or donation of property rights, many landowners also benefit from reduced taxes associated with limits placed on land use.

#### **Are there other options for permanent protection of my lands than the Forest Legacy program?**

Yes, there are non-governmental land trusts and organizations that develop and hold conservation easements. In Iowa, the DNR partners with the Iowa Natural Heritage Foundation ([www.inhf.org](http://www.inhf.org)) and the Iowa Chapter of the Nature Conservancy ([www.nature.org/iowa](http://www.nature.org/iowa)) Contact them directly for more information about their program of permanent protection.

#### **What happens if my forestland is not selected - but I still desire protection under the Forest Legacy Program?**

If your application is not part of the annual Forest Legacy project submitted by the State to the USDA Forest Service it will be held until the next year and reconsidered. But you have the option of revising your application by showing that they have important scenic, cultural and recreational resources, fish and wildlife habitat, riparian areas and other ecological values. Consider indicating that you would be willing to donate a larger portion or all of the easement for the forest legacy program. Donations of entire conservation easements will receive priority.

#### **Who holds title to the Conservation Easement and how is it monitored?**

The State of Iowa holds title to the Conservation Easement in accordance to the Code of Iowa Chapter 457A. The DNR's Forestry Bureau district forester will conduct with the landowner an annual review of the easement at no cost - looking at the current Forest Stewardship Plan, activities completed on the ground over the last 12 months and activities planned for the future. If necessary the Forest Stewardship Plan can be updated, modified or changed to meet the landowner objectives and maintain a sustainable forest resource.

#### **Are there additional sources of information on the Forest Legacy Program?**

Yes, you can go to the Iowa DNR Forestry website at [www.iowadnr.com/forestry/](http://www.iowadnr.com/forestry/) and look at the info on the Forest Legacy program in Iowa. In addition, information on Forestry Legacy is available from the USDA Forest Service at [www.fs.fed.us/na/durham/legacy/](http://www.fs.fed.us/na/durham/legacy/)

The Forest Legacy Program helps private landowners protect their forests for future generations while ensuring that their property rights are secure.  
- U.S. Senator Patrick Leahy of Vermont author of the Forest Legacy Program.

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