

Legislative Amendment to the Forest Legacy Program Frequently Asked Questions

What does this amendment aim to do?

The amendment allows states the option of conveying conservation interests acquired with funding from the Forest Legacy Program (FLP) to accredited land trusts. This will enhance impact and better serve states and landowners, also expanding partner funding and reducing costs. Why is this amendment needed?

- The amendment gives states a key additional option to conserve strategic forest landscapes. States can use this flexibility to conserve forests owned by individuals who do not want a governmental partner or in instances where the state does not want to/does not have the capacity to hold these easements or fee lands but wants them conserved. This will expand FLP's impact to the landscape scale while respecting state and landowner wishes.
- The amendment leverages more private, philanthropic cost sharing for projects in FLP, as the Program does not cover the entire cost of projects. Many charitable donors, including landowners, will donate to land conservation projects held and managed by non-profit land trusts, but won't donate to government agencies. With federal funding and state capacity always limited, demand constantly exceeds funding available. Increased charitable funding is essential to match the needs of the Program, as well as to expand the Program's impact via new partnerships.
- The amendment saves time and money for states that choose to allow accredited land trusts to hold easements, as stewardship and monitoring costs become the land trust's responsibility.
- The amendment aligns FLP with other federal state conservation funding programs such as ACEP and USFWS Section 6, among others.
- The amendment is broadly supported by environmental organizations from local to national, including the National Wildlife Federation and the American Farmland Trust.

What DOESN'T this amendment do?

- The amendment does NOT change the current FLP application or selection process. The states, the US Forest Service (USFS) and the Secretary of Agriculture maintain existing control over the process for selecting projects to fund with FLP.
- The amendment does NOT allow land trusts to apply directly to the USFS for FLP funding – all projects must still go through the existing state selection process and then the state submits proposals to the USFS.
- The amendment does NOT force states to designate that accredited land trusts hold easements – under the proposed amendment, individual states decide in each case whether to support a project with a land trust holding the easement or fee interest acquired.

- The amendment does NOT cause the USFS to face extra administrative burdens. USFS will continue to oversee state implementation of FLP, not the performance of accredited land trusts. The states would remain responsible for their state programs. No new personnel would be required.
- The amendment does NOT favor one region of the country over another – the national process for selecting FLP projects remains the same, and historically this process has sought regional balance in project selection.
- The amendment does NOT impact any other conservation programs. It solely applies to FLP, which is funded through measures like the IRA and oil and gas revenues.

Other Questions

Why don't states outsource management and compliance for FLP projects to reduce their workload?

While some states could potentially do this, it requires supplying annual or multi-year contracts (and funding them) for the states to outsource these services. And, with variable state budgets and other priority commitments, such as firefighting, the needed funding and contracting is neither assured nor predictable. As such, this is not a solution to the problem. In addition, management and compliance happens after an FLP project is complete. The current problem is that many states don't have the time or resources to initiate or complete all the work necessary for a project. The result is fewer and smaller FLP projects with more challenging stewardship.

The FLP is already oversubscribed—wouldn't more flexibility exacerbate the problem?

No, in fact it would help alleviate the problem in several ways: it would enable greater charitable funding and more integration of other funding sources that already have accredited land trusts as the easement holders, and it would free up state staff to focus on project review and selection. Nothing else about the existing program would change. This amendment would allow states to leverage more resources and increase charitable giving to the program. The selection process for projects would not change, the role of the final selection by the USFS and Secretary of Agriculture would not change. The Secretary would need to sign off on any given state's election of a project to be held by an accredited land trust. Further, in addition to annual appropriations, the FLP was given an additional \$700 million in funding under the Inflation Reduction Act.