

## VII. IMPLEMENTING FOREST LEGACY IN WYOMING

### Forest Legacy Project Selection Criteria

Projects will be selected competitively on the basis of meeting the criteria outlined below. A Wyoming State Forestry Division staff person will assist landowners with understanding the likelihood of their project, deciding whether or not to apply, and completing the necessary application materials. Each project must demonstrate the following criteria in order to be eligible for the program.

### Project Requirements

- **FLA Area Inclusion:** The proposed property boundary must lie, at least in part, within a defined Forest Legacy Area.
- **Willing Landowner:** Written expression of interest must be received from the landowner.
- **Easement Condition:** Conservation easement terms must be clearly consistent with FLP guidelines. Landowner must either own subsurface rights or have formal assurance that major surface disruption is not possible.
- **Forest Stewardship Plan:** The landowner must be committed to compliance with a Forest Stewardship Plan.
- **Financial Leverage:** At least 25% of the project costs must be secured from non-federal cash or in-kind sources.
- **Readiness:** The current status of project development and the preferred time line for transaction completion should be clearly stated.
- **Nonforest Uses:** Nonforest uses are those uses which are inconsistent with maintaining forest cover. If compatible nonforest uses are allowed, they should be less than 25% of the total project area.

### Project Evaluation Criteria

In addition, Wyoming State Forestry Division and the Wyoming State Forestry Stewardship Coordinating Committee will evaluate potential projects on the basis of the following evaluation criteria. These criteria will be used to prioritize between competing projects. A draft project evaluation form is included in Appendix F.

- **Appropriate Forest Cover:** Wyoming defines appropriate forest cover as having a minimum of 10% forest canopy cover of a marketable timber species, which include lodgepole pine, ponderosa pine, douglas fir, and spruce.
- **Timber Productivity:** Preference will be given to properties that have commercially viable standing timber and that contribute to a sustainable forest products industry.
- **Habitat, Water Quality, Recreation Benefits:** Preference will be given to properties that provide important public values, including wildlife habitat (including big game crucial range), protect water quality, or provide recreational benefits.

- **Risk of Development:** Preference will be given to properties that are not immediately in the path of development, but that are at risk of fragmentation and future development. Properties immediately adjacent to municipalities will not be considered for inclusion, or where development of a property is part of a land use plan for a community.
- **Size:** The property size must be of significant enough size to provide meaningful public values. Properties that are contiguous to protected forested lands, such as USFS lands, or are inholdings, could be smaller in size. If not contiguous to other protected lands, a property must be of large enough size to provide ecological and timber values. A minimum parcel size of 320 acres would be ideal.
- **Oil, Gas, Mining:** Selected properties should be in areas without significant threat of intense mineral, oil, or gas development.

### **Project Selection Process**

Project proposals will be identified through a periodic request process. While the details for the project identification and selection process are not yet final, the basic components will include:

- Application by landowner
- Meeting with Wyoming State Forestry Division personnel to evaluate proposal.
- Prioritization of all eligible projects by the State Forest Stewardship Coordinating Committee
- Submittal of prioritized projects by WSFD to USFS
- Review of all projects by the Forest Service and submittal of recommended projects to Congress as part of the President's budget request
- Congressional Appropriations
- Preparation of transaction (agreeing on conservation easement terms and purchase price)
- Completion of transaction (recording of deeds, payment to landowner)

Wyoming State Forestry Division will be responsible for communicating with interested landowners and assisting them in understanding the program (although it is required that landowners seek legal counsel while reviewing conservation easement language). Projects that meet federal requirements for pass-through projects (e.g. projects where a non-profit land trust purchases and holds properties or easements on a temporary basis prior to state acquisition) will be considered under the Wyoming Forest Legacy Program.

### **Means for Protection**

The resource values and goals for the Forest Legacy Program will be achieved through the acquisition of property rights, as detailed below. The terms of each acquisition, will be subject to negotiation and can vary. The framework below is intended as a guide—all acquisitions are subject to approval by the WSFD, USFS, and the landowner.

Acquisition of conservation easements is preferred. Full fee interest acquisition may be appropriate on tracts that are within USFS units or that have exceptionally high public recreational values.

- 1) Acquire development rights on all tracts, especially the rights to subdivide, construct buildings, and utilize the property for non-compatible commercial use (e.g. landfill). Subdivision to correct minor boundary disagreements should be permissible. Reserved home sites may be allowed, and will be evaluated on a case-by-case basis.
- 2) Timber harvesting rights should be conditioned with the following provisions:
  - a) Compliance with a Forest Stewardship Plan approved by the WSFD.
  - b) Compliance with Wyoming Forestry Best Management Practices (BMP), or the most current WSFD-sponsored BMP guidelines.
  - c) Compliance with all applicable laws and regulations.
- 3) Restrict the mining, drilling of mineral, sand and gravel pits to a minimum reasonable size and use. Forest Legacy Program requirements limit non-forest uses (e.g. borrow pits and roads) to no more than 10% of the area encumbered by a conservation easement. Upon the completion of operations, the land shall be reclaimed as much as practical to its original contour and re-vegetated.
- 4) Grazing by traditional livestock, if consistent with forest use, may be permitted. Traditional livestock are defined as cattle, horses, and sheep.
- 5) No disposal of waste or hazardous material will be allowed on properties.
- 6) Prohibit the use of signs and billboards on all properties, except to state the name and address of the property owner, safety concerns, sale of forest products from the property, access restrictions, and/or provide Forest Legacy information.
- 7) Existing dams or water impoundments or similar structures may be allowed to remain and be maintained.
- 8) Industrial and commercial activities, except forestry and limited mining uses, are prohibited (see above).
- 9) Energy development for commercial uses via hydro, solar, or cellulosic are prohibited.