

**PROCEDURAL GUIDE
FOR
CAL FIRE GREENHOUSE GAS REDUCTION FUND
FOREST MANAGEMENT PROJECTS**

CALIFORNIA FOREST LEGACY PROGRAM FOR CARBON SEQUESTRATION

**AUTHORIZED BY
AB 32**

**California Global Warming Solutions
Act of 2006**

**FUNDED BY
SB 852, Budget Act of 2014
SB 862,
Committee on Budget and Fiscal Review.
Greenhouse Gases: emissions reduction, 2014**



**State of California – The Natural Resources Agency
California Department of Forestry and Fire Protection**

May 2015

Quick Start

CAL FIRE Greenhouse Reduction Fund – California Forest Legacy Program for Carbon Sequestration

GGRF Forest Legacy Program

Eligibility

Forest Landowners.

Projects on nonfederal forestlands with Forest Legacy Areas (FLA).

Project types

Conservation easements (or other conveyance of interest) on non federal forestland.

Funding Criteria

Include a methodology to calculate and quantify the GHG emission benefit.

Maximum funding amount: GGRF funds limited to 75% of the appraised value of the interest to be conveyed.

All projects completed by December 31, 2019.

FLP Concept Proposal Form

Deadline for Concept Proposals – July 31, 2015

Contact: Forest Legacy Program Manager: Jeff, Calvert, Jeff.Calvert@fire.ca.gov

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INTRODUCTION

This procedural guide includes information for the use of funds provided by the Greenhouse Gas Reduction Fund (GGRF) and administered by the California Department of Forestry and Fire Protection (CAL FIRE). CAL FIRE is administering funding for a variety of GGRF Forest Management Project programs. This guide addresses procedures for the California Forest Legacy Program for Carbon Sequestration (Forest Legacy Program).

The Forest Legacy Program (FLP) will use GGRF funds and other funds to secure conservation easements to protect environmentally important forestland threatened with conversion to non-forest uses. All projects funded by this program must demonstrate the potential for a greenhouse gas (GHG) emission reduction benefits.

Purpose:

The purpose of the Forest Legacy Program is to protect environmentally important forestland threatened with conversion to non-forest uses, such as subdivision for residential or commercial development. Protecting forests will ensure California's forests continue to be a significant carbon storage "sink" by avoiding conversion to non-forest uses that will result in GHG emissions rather than carbon sequestration.

To help maintain the integrity, traditional uses, and carbon sequestration capabilities of private forestlands, the FLP promotes the use of permanent conservation easements. These easements provide a new approach, a new tool, with which the state, in cooperation with federal agencies, local agencies, private organizations, and individuals, can preserve the rich heritage of private forests.

The program is entirely voluntary. Landowners who wish to participate may sell or transfer particular rights, such as the right to develop the property or to allow public access, while retaining ownership of the property and the right to use it in any way consistent with the terms of the easement. The agency or organization holding the easement is responsible for managing the rights it acquires and for monitoring compliance by the landowner. Forest management activities, including timber harvesting, hunting, fishing and hiking are encouraged provided they are consistent with the program's purpose and GGRF objectives.

The FLP as administered by CAL FIRE is comprised of two separate but complimentary programs: the Federal Forest Legacy Program and the California Forest Legacy Program. See Appendix A for a brief overview of the programs.

APPLICANT ELIGIBILITY AND CONDITIONS

Below is a partial list of applicant eligibility and conditions. A complete list of eligibility and conditions are found in the California Code of Regulations (CCR) Chapter 9, Forest Legacy Program, and § 1570 -1576 and other documents in these guidelines.

1. Eligible participants are “landowners” as defined in 14 CCR §1571 meaning an individual, partnership, private, public, or municipal corporation, Native American Tribe, state agency, county , or local government entity, educational institution, or association of individuals of any kind that own private forest lands or woodlands.
2. The area eligible for funding is non-federal forest lands as defined in 14 CCR § 1571.
3. All FLP projects which receive GGRF must be designed to meet some or all of the greenhouse gas emission objectives of AB 32 and purposes listed in this document and will include a methodology to calculate and quantify the GHG emission benefit resulting from the project. Factors that should be addressed include:
 - Avoided emissions resulting from retaining the forest and avoiding conversion to other use.
 - Increased direct carbon sequestration through increased growth and inventory and long-term management of the timberlands.
 - Improved forest resistance to wildland fire, demonstrated through a reduction of forest fuels, construction of shaded fuel breaks, improved forest health, etc.
 - Maintenance of large trees across the watershed.
 - Optimized timber growth potential of the timberland consistent with maintaining carbon additionally over the baseline.
 - Measurable metrics demonstrating greenhouse gas reductions achieved by the long-term management to be analyzed in the management plan.

A suitable methodology is described in the Air Resources Board’s “US Forest Projects Protocol, Avoided Conversion”.
<http://www.arb.ca.gov/regact/2010/capandtrade10/copusforest.pdf>. All treatments and growth projections will use commonly accepted methods that represent standards and practice in the forestry profession. GHG reductions will be estimated as the difference between a no project alternative and the restoration project, at the end of the project crediting period.

4. All applications requesting GGRF funds are strongly encouraged to apply for federal forest legacy funding.
5. Maximum funding amount: GGRF funds limited to 75% of the appraised value of the interest to be conveyed.
6. All project work related must be completed by December, 31, 2019.

CONVEYANCE AND FUNDING OPTIONS

There a number of combinations used to convey lands or interests in lands to the FLP:

Conveyances

- **Full Donation**-A landowner gives the interest entirely to the FLP
- **Facilitated Donation**-The FLP pays for the due diligence incurred by the landowner in making the donation. This could include cost of developing the easement, cost of developing the management plan, legal costs, surveys, title work, etc.
- **Purchase** with any combination of federal, state and private funding, including partial donation by the landowner.

Funding sources

For 2015 there are two potential sources for funding from FLP

1. A landowner can apply for Federal and State FLP Funding.
2. A landowner can apply for only Federal or State funding (GGRF)

In either case a FLP application must be submitted. If applying for GGRF a Concept Proposal form must accompany the FLP application.

Federal: All FLP applications will be considered for up to 75% federal funding.

State: Greenhouse Gas Reduction Funds (GGRF) administered by CAL FIRE. Landowners wishing to apply for GGRF must submit a Concept Proposal included on page 7. For an electronic form see the website or contact the FLP Coordinator

Other State Sources: There are a variety of State funding sources that may also be available including the Forest Conservation Program administered by the Wildlife Conservation Board (WCB), the State Coastal Conservancy (SCC), and others. With the exception of CAL FIRE's GGRF funding, all other sources have their own application process.

Currently CAL FIRE has available limited Greenhouse Gas Reduction Funding (GGRF) that is available on a competitive project-by-project basis. Because these funds are limited, CAL FIRE will seek to leverage GGRF with federal funds to the greatest extent possible.

All federal Forest Legacy funding is subject to appropriation by the US Congress on a project-by-project basis. There is no federal block grant for acquisitions. No more than 75% of the cost of a project can be funded using federal forest Legacy funds. It is the responsibility of the landowner to work with the FLP coordinator and/or Land Trust to find additional non-federal match or donate at least 25% of the federal portion out of the appraised value of the property.

Applicants are encouraged to discuss funding options with the FLP Coordinator.

APPLICATION PROCESS and PROJECT ADMINISTRATION

The application and selection process for projects requesting GGRF funds is a multiple stage process including:

Pre application – Applicants should consult with professionals to discuss their interest in and opportunities in the program.

Stage 1-FLP Application and Concept Proposal - Interested applicants will submit a Concept Proposal (concurrent with their FLP application) that will allow CAL FIRE staff the opportunity to review and qualify the project for full consideration in the stage 2-Project Application.

Stage 2-GGRF qualification questions - Applicants with eligible Concept Proposals will be asked to submit detailed answers to the GGRF questions for their project

Stage 3 & 4 are the project selection process and funding steps.

The following represents the minimum information required for each part of the application process.

Pre application-

Landowner contacts CAL FIRE and/or land trust and/or a Registered Professional Forester and/or an attorney to discuss the possibility of putting their land in a conservation easement or selling their land to CAL FIRE through the Forest Legacy Program (FLP).

Upon determination that they would like to sell an interest in their land, the landowner works with one or all of the above to provide the necessary completed application forms and additional documents. Applicants are strongly encouraged to contact the FLP coordinator in Sacramento to schedule a field visit as soon as possible and discuss the application

Stage 1-FLP Application and Concept Proposal

Concept Proposal – Concurrent with the FLP application (see Appendix D or on-line electronic version) interested applicants should submit a Concept Proposal to CAL FIRE. CAL FIRE will review the Concept Proposal for general

consistency with the requirements of the funding, completeness and eligibility. Proposals that meet these requirements will be asked for additional information on the amount of GHG benefits of their FLP project.

Concept Proposals are to be prepared and submitted using the on-line form at:
FLP Concept Proposal Form

Concept Proposals may also be mailed to:

Department of Forestry and Fire Protection
Grants Management Unit
P.O. Box 944246
Sacramento, CA 94244-2460

An example of the Concept Proposal form is located in Appendix B.

The Concept Proposal form must be received by CAL FIRE no later than 4:00 PM on July 31, 2015.

When Concept Proposals are submitted to CAL FIRE the Grants Management Unit will log in the proposal and enter pertinent information into a database. Proposals will then be sent to the FLP manager for review.

Application-The Project Application package includes forms, maps and other pertinent information, e.g., non-industrial management plan, timber harvesting plan, and draft conservation easement (if the applicant is applying for funding for a conservation easement).

All applications requesting GGRF funds are encouraged to also apply for federal funding.

Send application to following address:

Department of Forestry and Fire Protection
Grants Management Unit
P.O. Box 944246
Sacramento, CA 94244-2460

The Forest Legacy Coordinator can be contracted for questions at:
Jeff Calvert
(916) 653-8286 (office) or (916) 215-4882 (cell)
jeff.calvert@fire.ca.gov

Applications need to be received by CAL FIRE by 4:00 PM on July 31, 2015.

The Grants Management Unit and FLP coordinator will review the application for completeness and eligibility and may ask for more information. If the application is complete a field visit will be scheduled with the landowner if one has not already been done.

The field visit gives the FLP coordinator an opportunity to evaluate the application package, ask additional questions, take photos and further explain the program to the landowner. It also provides the landowner with a chance to get to know the FLP coordinator and ask questions about the program, such as funding availability and time lines. This is also a good time for the landowner to discuss the legal aspects if s/he has not discussed this with an attorney. The FLP coordinator will advise the landowner that if we proceed with the application s/he is advised to seek legal counsel if s/he has not already done so.

Once an application is considered complete and the landowner wishes to proceed, it will be necessary to enter the project into the Forest Legacy Information System (FLIS) in the section "A Summary of the Application". The FLP coordinator will assist the landowner or their representative in this task.

Stage 2-Submission of Additional GGRF information

Concept Proposals that meet the requirements will be asked for additional information on the amount of GHG benefits of their FLP project. This information will be evaluated and become part of the basis for scoring in the selection process for those requesting GGRF to help fund their proposal.

Stage 3 Selection Process

The Selection Process involves ranking projects by the State representatives, submitting the selected projects to USDA Forest Service Region 5, State and Private Forestry staff, and national competitive ranking and selection by a national committee designated by the USDA Forest Service Headquarters in Washington D. C.

In accordance with federal law, all applications, i.e., potential projects are reviewed and prioritized by the California State Forest Stewardship Coordinating Committee (SFSCC). This committee is comprised of a variety of people and professions in the land conservation field and members of the public; representatives from various federal, state, and county governments; and industry representatives. The SFSCC will rank the various unfunded applications. These unfunded applications will include new applications, viable applications from previous years, as well as partially funded projects. The committee will rank the potential projects using only the information that the project proponent provides into the FLIS.

Potential projects are ranked in accordance with California's Assessment of Need (AON) and Title 14 CCR §1570-76 that takes into consideration important environmental, social and economic values, state FLP regulations and the Core Criteria set by the federal government. They include: **IMPORTANCE**, the public benefits gained from the protection and management of the property, **THREATENED**, conversion to non-forest uses is possible to imminent and will result in a loss of forest values and public benefits, **STRATEGIC**, the project fits within a larger conservation plan, strategy, or initiative and enhances previous conservation investments, **PROJECT READINESS**, a graduated scale indicating the level of commitment and likelihood a project will be completed in a predictable timeline.

Additionally the Greenhouse Gas Reduction benefits are scored based on the following criteria:

1. To what significance will the project provide a GHG benefit?
2. Is the project vs no project GHG emission reduction quantitation complete and a net estimate in CO₂e metric tonnes provided?
3. Is the project's GHG net emission reduction substantial on a tonnes/acre basis, and in total?
4. What is the quality and scientific defensibility of the methodology used to determine the GHG benefit and emission reduction quantification? Can the numerical value calculations be reviewed and validated?

The ranked list of potential projects will be sent to the Director of CAL FIRE for final approval and forwarding USDA Forest Service Region 5, State and Private Forestry

Currently, the USDA Forest Service will only consider each state's top three potential projects for federal funding, with a cap of \$10,000,000 combined total project cost and a limit of \$7,000,000 on any individual project. The chances that an application will make it to the top three in California in any given year are about 20-30%.

In January of each year, all of the top three potential projects from each state or territory are ranked and prioritized at the national level at a meeting in Washington DC. The national committee recommends funding levels for the ranked potential projects beginning at the highest ranked until the President's recommended budget is reached. The chances are about 20% that one of the top three California applications will be selected by the national committee for funding (this is actually a very high percentage considering there are 49 states and three territories in competition). For reference, California was awarded a total of \$4,335,000 for two projects in the 2014 Federal Forest Legacy Program funding cycle.

The recommended projects are further evaluated by both the U.S. Senate and the House of Representatives, with the final list and its funding levels decided at the Conference Committee hearings in January or February.

Most projects are funded at less than the amount specified on their application unless there is committed state funding in excess of 25%.

The process from application development to funding usually takes at least one calendar year for applications that rank very high, but if combined funding is inadequate to cover the asking price, considerable additional funding must be sought. Securing these additional funds, development of the conservation easement, monitoring agreements and the necessary “due diligence” required with any government real estate transaction usually mean years of work before a deal closes. The estimated time from receipt of application to close of escrow is about three to four years.

Stage 4 - Project Funding

If funding is secured:

1. Federal funds for successful applicants (Grantors) come as grants to CAL FIRE through USDA Forest Service. These grants are specific to the project and cannot be used for other projects.
2. The monies from the grant are available as soon as the State budget is signed.
3. In order for a project to close the project must go through a number of additional steps to ensure that the monies have been spent wisely and to comply with Federal and State laws.
 - A current **appraisal** must be conducted by an approved appraiser to both State and Federal standards.
 - The **appraisal must be reviewed** and approved by the Department of General Services and the USDA Forest Service review appraisers. No appraisals should be started without instructions from both the State and Federal review appraiser.
 - If applicable, a **final conservation easement must be** approved. (*Note - A draft conservation easement must accompany the application in order to be considered complete*).
 - Preliminary **Title Report**- if the title report shows exceptions that would not allow the state to take title (such as surface mineral rights owned by a third party) those exceptions must be removed from title before the purchase of the property interest. This may add years to project completion. (*Note- A Preliminary Title Report is required for all applications prior to committee consideration*).
 - A **Baseline**, documenting the current property conditions must be done to state and federal standards. This needs to be done within six months of closing on a project.
 - The property must have an approved and current **Forest Stewardship/Management Plan** or equivalent (e.g., Non Industrial Timber Management Plan or Ranch Management Plan).
 - A **Monitoring Plan** must be developed to State Standards.

- **A Property Acquisition Agreement** is signed.
 - **Escrow instructions must be** given to the title company.
4. Once all the above have been satisfied an escrow account is opened at a title company and all documents and funds are transferred there.
 5. Upon signature of the Deed of Conservation Easement or Grant Deed and other necessary documents, money is disbursed to the Grantor.

APPENDIX A

The Forest Legacy Program as administered by CAL FIRE is comprised of two separate but complimentary programs: the Federal Forest Legacy Program and the California Forest Legacy Program.

THE FEDERAL PROGRAM

The Federal Forest Legacy (16 U.S.C. Sec. 2103c) program was part of the 1990 Federal Farm Bill. It recognized that private forestland owners were facing increased pressure, due to greater population densities and users demands, to convert their forestlands to other uses, such as housing subdivisions, rural lots and vineyards. Furthermore, forestland provides a wide variety of products and services including fish and wildlife habitat, aesthetic qualities, timber and recreation opportunities. Good stewardship of privately held forest lands requires a long-term commitment that can be fostered through a partnership of local, state and Federal government efforts.

The objective of the Federal Forest Legacy Program is to identify and protect environmentally important forestlands that are threatened by present or future conversion to non-forest uses. Priority is to be given to lands that can be effectively protected and managed and that have important scenic, recreational, timber, riparian, fish and wildlife, threatened and endangered species, and other cultural and environmental values.

Project costs covered by the Federal Legacy grants include interests in lands (including actual purchase price), appraisals, land surveys, closing costs, establishing baseline information, title work, and purchase of title insurance, conservation easement drafting and other real estate transaction expenses. Also included are funds expended to facilitate donations of land or interests in lands to a qualified and willing donee for Program purposes. For outright donations of a conservation easement or land, Federal funds may not be used to pay for an appraisal since the Forest Service does not need a determination of fair market value. Federal funds are limited to 75% of the value of the conservation easement with the remaining portion contributed by non-federal matching funds. Landowner contributions may be part of the match.

THE STATE PROGRAM

The Forest Legacy Program Act in 2000 and 2007 allowed the Department of Forestry and Fire Protection to accept lands and interests in lands and to encourage the long-term conservation of productive forest lands by providing an incentive to owners of private forest lands to prevent future conversions of forest land and forest resources through the use of conservation easements. Eligible properties may be "working forests," where forestland is managed for the production of forest products and traditional forest uses are maintained. These forest uses will include both commodity outputs and non-commodity values. The purpose of these easements is to maintain these forests intact to provide such traditional forest benefits as timber production, wildlife habitat, watershed protection and/or open space. These forests remain in private

ownership, except for the restrictions on development or other uses conveyed by the conservation easement to the agency selected by the landowner

In both programs the involvement by private landowners is voluntary. In 2000, the Governor signed into law SB1832, the California Forest Legacy Act. This law allows the California Department of Forestry and Fire Protection to acquire conservation easements, and permit Federal, State agencies, local governments and nonprofit land trust organizations to hold conservation easements acquired pursuant to the California Forest Legacy Program. Money to fund the Program shall be obtained from gifts, donations, federal grants and loans, other appropriate funding sources. In 2011, the Board of Forestry and Fire Protection provided further direction with the adoption of Title 14, California Code of Regulation (CCR), §1570-1576 which defines rules and procedures for implementation of the FLP.

The agency or organization holding the easement is responsible for monitoring compliance by the landowner. CAL FIRE and the easement holders are responsible for working cooperatively with participating landowners to design their easements. It is expected that landowners will retain all responsibility for managing their forest resources consistent with the terms they establish in their conservation easements. Landowners participating in the programs will be required to prepare a multi-resource management plan that is the equivalent, or more extensive than, a Forest Stewardship Plan (as per US Forest Service guidelines). This plan must be acceptable to the state and approved prior to signing the acquisition of the easement.

Neither the Federal Forest Legacy Program nor the California Forestry Legacy Program Act of 2000 and 2007 allows project funds to be used to cover monitoring costs. Endowments are generally provided for by the landowner at the close of escrow sufficient to cover the costs over time.

APPENDIX B

CAL FIRE Greenhouse Gas Reduction Funds (GGRF) – Forest Legacy Program (FLP) Projects

Concept Proposal

1. Project Name/Title: _____.

Responsible person to be contacted:

Name: _____ Title: _____.

Address: _____
Street or P. O. Box City State Zip

Phone Number: _____ Organization (if any): _____.

Email Address: _____ Fax Number: _____.

2. Project Location:

Township: _____. Range: _____. Section (s): _____. Base Meridian: _____. County: _____.

Township: _____. Range: _____. Section (s): _____. Base Meridian: _____. County: _____.

3. Does the landowner wish to sell in: Fee Title _____ Conservation Easement; _____?

4. Approximate acreage to be enrolled in program: _____

5a Estimated Value of Conveyance: \$ _____

5b Amount GGRF requested*. _____ (*must be no more than 75% of line 5a)

5c Other funding secured or requested. _____

6. Does the project qualify for the California Forest Legacy Program? Yes _____ No _____
Please read the FLP General Information Letter, the FLP Application and the FLP Regulations 14 CCR Section 1572 to determine if your project is eligible to be enrolled in the program.

7. Is there an existing management plan on the area (NTMP, Cooperative FMP, etc.)? YES: _____.
NO: _____

7a. Has a preliminary title report been done on the property? Yes _____ No _____.

8. Project description: What are the components/parameters of the project?

_____.

9. Project objectives: What are the project objectives? What is the project going to achieve?

10. Describe how the proposed project will reduce Greenhouse Gas emission or provide Greenhouse Gas benefits.

All projects must be designed to meet some or all of the greenhouse gas emission objectives of AB 32 and purposes listed in this document and will include a methodology to calculate and quantify the GHG emission benefit resulting from the project. Detailed analysis is not required for the Concept Proposal but applicants must clearly explain and describe how the below conditions will be developed and addressed by their project. The Concept Proposal should describe the timberland management objectives and how the project will provide for the following items. Please attach additional pages as necessary. Factors that should be addressed include:

- o Avoided emissions resulting from retaining the forest and avoiding conversion to other use.
- o Increased direct carbon sequestration through increased growth and inventory and long-term management of the timberlands.
- o Improved forest resistance to wildland fire, demonstrated through a reduction of forest fuels, construction of shaded fuel breaks, improved forest health, etc.
- o Maintenance of large trees across the watershed.
- o Optimized timber growth potential of the timberland consistent with maintaining carbon additionally over the baseline.
- o Measurable metrics demonstrating greenhouse gas reductions achieved by the long-term management to be analyzed in the management plan.

11. Describe the co-benefits of the project, if any.

12. Concept proposal completed by Applicant (Date): _____.

Submit proposal to:

If using the online form send it to the email address on the bottom of the electronic form). Or mail to:

CAL FIRE, Grants Management Unit, PO Box 944246, Sacramento, CA 94244-2460

APPENDIX C

PROJECT APPLICATION INSTRUCTIONS

CALIFORNIA'S FOREST LEGACY PROGRAM

Application Instructions 2015-16

(Please note that the application form is available electronically, either by e-mail, on disk or through the CAL FIRE internet website
http://calfire.ca.gov/resource_mgt/resource_mgt_forestryassistance_legacy.php)

Purpose of Forest Legacy Program – The California Forest Legacy program uses federal funds, and state matching funds, to purchase development rights and conservation easements on environmentally important forests in California so these threatened areas remain intact and continue to provide traditional forest benefits. These forests remain in private ownership, except for the conveyed easement items (e.g., development rights), which become state owned and protected.

Deadlines: For 2015 must be received by 4:00PM, July 31, 2015

Submit completed application to: Department of Forestry and Fire Protection
(Please retain a copy for your files) Resource Management
Attn: Jeff Calvert
P.O. Box 944246
Sacramento, CA 94244-2460

Questions: Jeff Calvert
Forest Legacy Coordinator
(916) 653-8286 (office) or (916) 215-4882 (cell)
jeff.calvert@fire.ca.gov

SECTION 1-GENERAL INFORMATION

Primarily seeks information on the ownership, location, and size of the parcel being nominated. The final section of page one seeks information about your ownership objectives. Please briefly describe your property objectives in the landowner Goals & Objectives Sub-Section.

SECTION 2-PARCEL EVALUATION

The information you provide in Section 2 is used in preliminary scoring and ranking of your proposal. This section helps to identify nominated parcels that have state, regional, or even national significance. Please contact the FLP Coordinator with any questions.

Question "I - Threat" of this section is your assessment of how the nominated property is threatened by conversion to non-forest uses. Threat examples include, but are not limited to: clearing and converting to grapes or other agricultural uses, housing, breakup into small unmanageable parcels, non-native species invasion, surface mining, and zoning for development.

Landowner Comments

You may add any additional comments about your property or your proposal that may be helpful in the evaluation of your application and property. Additional pages may be added if you need more space.

SECTION 3-CONFIDENTIAL FINANCIAL INFORMATION

This section seeks financial information about your parcel and the parts of your ownership you are willing to sell or donate to the Forest Legacy Program. Under Liens and Encumbrances, please explain if any of the liens or encumbrances would prohibit your ability to place a conservation easement on your property. The information provided will also be used in scoring your application and is held in confidence.

Property appraisals are not required to complete this section, but may be helpful in your estimates and deliberations. However, if your application is accepted and you receive an offer to purchase an easement on the property, an appraisal must be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions if Federal funding is used in the acquisition. The appraiser must be certified and on the Federal List of Approved Appraisers. Under most conditions project funds may be used to cover appraisal costs. If State dollars are also a part of the acquisition funding, the appraisal must (also) be to Department of General Services (DGS) standards.

SECTION 4-PRELIMINARY IDENTIFICATION OF RIGHTS TO BE RETAINED AND LANDOWNER PERMISSION

This very important section asks you to identify what parts of your ownership you are willing to sell or convey to the Forest Legacy Program. It is not a commitment form, but should be considered very seriously. It will affect the desirability of your parcel and likely its appraised value. Please indicate what rights you wish to retain under this section. Please **do not** leave any item unchecked. You may add other interests to this section if needed. **“Yes”** means this is an interest you are interested in retaining. **“No”** means this is an interest you wish to retain and keep full control. **“UNSURE”** means you need more information or have not yet decided on this interest.

The final part of the application form asks for your approval for the Forest Legacy site reviewers to visit your property and to attest to the information provided in your application. It is not necessary that all property owners sign this application. However, the person signing this application must have legal authority to represent this property and the owners.

APPLICATION PACKET CHECKLIST:

- Thoroughly completed and signed (in ink, preferably blue) application form
- Copy of road map indicating location of the property
- Copy of the county plat map showing location of the property – please outline the property and the proposed Forest Legacy area
- Copy of forest management plan, if available
- Aerial photo (or high quality copy) of the property, if available (this is not necessary for initial application). These are available at your local Farm Services Agency or Natural Resources Conservation Service office. Photos may also be available from the county auditor or surveyors office and on-line sources such as Google Earth. **Please outline property**

- The boundaries of the project on a USGS quadrangle or equivalent topographic map of a scale no less than 1” = 2000’. At a minimum show the following three habitat types and to what percent they represent of the nominated property: (1) conifer, (2) hardwood and (3) grass land and intense agricultural use (row crops, vineyards, orchards, etc.). In accordance with the California Forest Practice Rules, show Class I and Class II watercourses. This map must also show any structures (houses, garages, shops, barns, etc.), dams, rock pits, underground fuel tanks, dumps, or waste disposal sites on the property.
- Any written comments you wish to provide in addition to the application
- A copy of the draft conservation easement

Please note: All submitted materials become property of the State of California and are non-returnable. Disclosure of this information is voluntary. However, failure to provide all of the requested information may make it difficult for your application and the property to be properly evaluated and scored.

APPENDIX D

2015-2016

CALIFORNIA'S FOREST LEGACY APPLICATION

(This application is available electronically)

For 2015 must be received by July 31, 2015, by 4:00 PM.

2015 GGRF Concept Proposals are due July 31, 2015

This form must be printed, typed or filled out electronically. Illegible forms will be returned.

The Forest Legacy Program purchases development rights on forests of State and National significance in targeted areas of California so these threatened forests may remain intact and provide traditional forest benefits.

SECTION 1: GENERAL INFORMATION

Applicant Information	Authorized agent for landowner (if different)
Landowner's name: _____	Agent's name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____
Phone: _____	Phone: _____
Fax / e-mail: _____	Fax / e-mail: _____
Please list all co-owners of this property (or any others with interest in the property). _____	

Property Information

1. County: _____ Section: _____ Township: _____ Range: _____ B&M _____ Parcel#: _____
2. What is the land currently zoned as? _____
3. What are the current uses of the property? _____
4. Are there any encumbrances (liens, mortgages, easements, and/or leases) on this property? Yes No
If yes, please list and explain in the Confidential Financial Information Section.
5. Total property acres: _____ *Total acres forest: _____
6. How much of the total acres above are you nominating for the Forest Legacy Program? _____

Forest acres: _____ Open or cleared acres: _____ Acres of water: _____ Total: _____

7. I am interested in a conservation easement, or transferring total ownership of the land.
Do you have a preference as to what entity holds title? Yes No
If yes please indicate the entity.

8. Is any of this area Certified Forest or in a Habitat Conservation Plan? Yes No

How many acres? _____

- "Forestlands" are defined as lands that can support 10% native tree cover under natural conditions, and that allow for management of one or more forest resources including timber, fish and wildlife, biodiversity, water quality, recreation, aesthetics, and other public benefits.

Landowner Goals and Objectives Sub-Section

1. Please describe your long term goals and objectives for the nominated property (e.g., It might help to think about why the property is important to you). Why do you own it? Why did you buy it? What would you like to do on and with this property?) You may attach an extra page if needed.

2. Do you have a written forest management plan? Yes No

If yes, please send a copy with your application.

3. Have you been working with a forester or other natural resource professional who could provide technical information about your forest? Yes No

May we contact
him/her?

Yes No

Forester's name:

Phone #:

License #:

SECTION 2: PARCEL EVALUATION

Parcel Evaluation Section

Landowner: Please help us picture the uniqueness of your property. Projects are ranked on four criteria: (1) IMPORTANCE, (2) THREAT, (3) STRATEGIC VALUE, AND (4) READINESS. Because funds are limited, this information will help establish your preliminary ranking with the other projects submitted for consideration. You may attach extra pages, if needed.

IMPORTANCE

- A. Economic Benefits from Timber and Potential Forest Productivity:** This category includes three independent components: (1) Landowner demonstrates sustainable forest management in accordance with a management plan and/or a third party certified (such as Sustainable Forestry Initiative, Forest Stewardship Council, and American Tree Farm System), (2) Forestry activities contribute to the resource-based economy for a community or region, (3) the Forest Productivity Potential. Explain the traditional forestry resource values of the parcel including Site Class. Go into as much detail as you wish. If you are providing any proprietary information please add as a confidential addendum.
- B. Economic Benefits from Non-timber Products:** What non-timber revenue does the property provide to the local or regional economy through activities such as hunting leases, ranching, non-timber forest products, guided tours (fishing, hunting, bird-watching, etc.), and recreation and tourism (lodging, rentals, bikes, boats, outdoor gear, etc.)?
- C. Threatened or Endangered Species Habitat:** Protecting and enhancing wildlife features on and off the property is crucial to maintaining viable wildlife populations. Explain how your parcel contributes to healthy wildlife habitats. Describe what documented threatened or endangered plants and animals or designated habitat(s) are on the property.
- D. Fish, Wildlife, Plants, and Unique Forest Communities:** Describe what unique forest communities and/or important fish or wildlife habitat are present on the property and if they are documented by a formal assessment or wildlife conservation plan or strategy developed by a government or a non-governmental organization. The importance of habitat to an international initiative to support and sustain migratory species can be viewed as national importance if conserving the property will make a significant contribution.
- E. Water Supply, Aquatic Habitat, and Watershed Protection:** (1) Property has a direct relationship with protecting the water supply or watershed, such as provides a buffer to public drinking water supply, contains an aquifer recharge area, or protects an ecologically important aquatic or marine area, and/or (2) the property contains important riparian area, wetlands, shorelines, river systems, or sensitive watershed lands. **Information on Anadromous Salmonid Protection and 303(d) listed watersheds are available from the California State**

Water Resources Control Board (916) 657-0682 or <http://www.swrcb.ca.gov/> or the Calwater webpage at <https://catalog.data.gov/dataset/calwater>

- F. Existing or Potential Public Recreational Opportunities and Public Access:** Public recreation opportunities are defined as those having non-commercial and non-landowner users. Explain the recreational values of the proposed property. Will protection of the property maintain or establish access by the public for recreation?
- G. Scenic Resources:** The scenic aspects of a natural resource area may often be subjective. Describe the special qualities making your parcel stand out as a scenic resource. Is the site located within a viewshed of a government designated scenic feature or area (such as trail, river, or highway)?
- H. Historic/Cultural/Tribal:** The site contains features of historical, cultural, and/or tribal significance, formally documented by a government or a non-governmental organization. Material evidence of previous human occupation (e.g., petroglyphs, house pits, midden, bedrock mortars, etc.) comprises a unique and irreplaceable resource, as do other historic features such as cemeteries, pioneer homesites, old grist and sawmill sites, old grist and sawmill sites, etc. and natural landscape features. Explain the archaeological values of your parcel.

THREAT

- I. **Type and Level of Conversion Threats:** There are various kinds and degrees of threat to valuable forested areas, such as encroaching housing development, improved roads, sewer, and power line extension into undeveloped areas and the dividing of land ownership in smaller parcels. Explain how your property is either threatened by development or conversion to other uses, or can slow the development pressures in your area. This criterion estimates the likelihood for conversion. More points will be given to projects that demonstrate multiple conditions.

Attributes to consider:

Lack of Protection - *The lack of temporary or permanent protections (e.g., current zoning, temporary or permanent easements, moratoriums, and encumbrances that limit subdivision or conversion) that currently exists on the property and the likelihood of the threat of conversion.*

Land and Landowners Circumstances - *Land and landowner circumstances such as property held in an estate, aging landowner, future property by heirs is uncertain, property is for sale or has a sale pending, landowner anticipates owning property for a short duration, landowner has received purchase offers, land has an approved subdivision plan, landowner has sold subdivisions of the property, etc.*

Adjacent Land Use - *Adjacent land use characteristics such as existing land status, rate of development growth and conversion, rate of population growth (percent change), rate of change in ownership, etc.*

Ability to Develop - *Physical attributes of the property that will facilitate conversion, such as access, buildable ground, zoning, slope, water/sewer, electricity, etc.*

STRATEGIC VALUE

- J. Strategic placement and value:** Discuss how the property relates strategically to other protected properties adjacent to it or in close proximity to it. Make note of any federal, State, or regional strategic plans, cooperatives or initiatives that may be pertinent. This criterion reflects the project's relevance or relationship to conservation efforts on a broader perspective. When evaluating strategic, four considerations are made: 1) the scale of a conservation initiative, strategy, or plan; 2) the scale of the project's contribution to that initiative, strategy, or plan; 3) the placement of the parcel within the area of the initiative, strategy, or plan; and 4) how the project complements protected lands.

Attributes to consider

Conservation Initiative, Strategy, or Plan - How the project fits within a larger conservation plan, strategy, or initiative as designated by either a government or non-governmental entity.

Complement Protected Lands - How the project is strategically linked to enhance already protected lands including past FLP projects, already protected Federal, State, or non-governmental organization lands, or other Federal land protection programs (NRCS, NOAA, etc.).

PROJECT READINESS

K. Readiness of the project to be completed: To what degree has due diligence been completed. Please describe what steps have been initiated to help close this project. This could include:

1. Documented support for the cost estimate, such as completed market analysis or preliminary appraisal.
2. Landowner and State have general agreement on conservation easement or fee acquisition conditions.
3. Cost Share commitment has been obtained from a specified source.
4. A signed option or purchase and sales agreement is held by the State or at the request of the State **OR** at the request of the State, conservation easement or fee title is held by a third party.
5. Title search is completed, including identifying any temporary or permanent protections.
6. Minerals determination is completed.
7. For conservation easement properties, a stewardship plan or multi-resource management plan is completed.

GREENHOUSE GAS REDUCTION

If applying GGRF funds please fill out a 2015 Concept Proposal and submit concurrently with this application. Successful proposals will be asked for additional information on the amount of GHG benefits of their FLP project.

Landowner's Comments Section

Other comments you may wish to add about your Forest Legacy Nomination or property uniqueness.

SECTION 3: CONFIDENTIAL FINANCIAL INFORMATION

Confidential Financial Information Section

The following financial, deed, and lien information shall remain confidential until such time as:

- 1) the application has been approved and all transactions are concluded, **or**
- 2) all title-holders give written permission to release the information.

Financial Information

The following estimates are for preliminary use only. Any final offer for conservation easement purchase cannot exceed fair market value, as determined by an appraisal meeting federal and/or state appraisal standards.

1. What is the estimated total value of this property?
2. What is the estimated value of the interests (see page 3) proposed to be transferred by conservation easement to California's Forest Legacy Program?
3. How was this value determined? (Examples: landowner's personal estimate, licensed appraiser, realtor, written legal appraisal).

If appraised, date of the appraisal:

4. Are you willing to donate part of the easement value? Yes No
 - What percentage are you willing to donate? 25% 50% 75% 100% Other
 - What is your approximate asking price for the interest being offered?

NOTE: Donations may constitute a charitable contribution for income tax purposes, depending on applicable Internal Revenue Service guidelines and regulations.

5. Do you have another source, such as a Land Trust or another federal or state agency, willing to fund part of the purchase price? Yes No
 - If so please include the proposed contribution below

6. Please list all sources of funding for which you are, or have applied for, or to which you are willing to apply:

Source	Amount		
Federal FLP			
CAL FIRE GGRF**			
Other Sources (program?)	Amount	Applied? Y/N	Approved? Y/N
WCB (Forest Conservation Program)			
SCC			

** When applying for GGRF funding a concept proposal must accompany this application

Comments:

Liens and Encumbrances

Please list any and all liens and encumbrances on the property proposed for enrollment in California's Forest Legacy Program. Examples of liens and/or encumbrances include: mortgages, utility easements, public rights of way, water flow or water use restrictions, septic systems or water easements, deed restrictions or covenants, mineral extraction rights (gas, oil, coal, stone, etc.), tax liens, dump sites, underground fuel tanks, other environmental hazards, etc.

SECTION 4: RIGHTS TO BE RETAINED AND LANDOWNER PERMISSION

Preliminary Identification of Rights to be Retained

It is important the following section be carefully and fully completed. The information you provide will directly affect the desirability of the parcel, appraised value, and its priority as a Forest Legacy parcel. Please, indicate which of the following uses or interests you wish to **retain** as part of the conservation easement.

Note: Checking **YES** or **NO** does not commit you to anything at this time, it merely assists California's Forest Legacy Committee when inspecting, prioritizing, and evaluating your parcel. Also, note that development rights are the minimum rights purchased on Forest Legacy Tracts and therefore are not included on the list below.

<u>YES</u>	<u>NO</u>	<u>UNSURE</u>	<u>Forest use or interest</u>
_____	_____	_____	Will you retain the right to commercially harvest timber?
_____	_____	_____	Will you wish to retain unrestricted access to minerals (e.g., coal, gravel, etc.)?*
_____	_____	_____	Will you wish to retain restricted surface occupancy mineral rights? **
_____	_____	_____	Will you wish to retain unrestricted access with oil and gas?*
_____	_____	_____	Will you wish to retain restricted surface occupancy oil and gas rights? **
_____	_____	_____	Will you wish to limit or control public access to your property? <u>Public access is not a requirement of the Forest Legacy Program.</u>
_____	_____	_____	Will you wish to retain rights to graze open areas? (acres)
_____	_____	_____	Will you wish to retain right to farm open areas? (acres)
_____	_____	_____	Will you wish to retain the right to build or rebuild roads (other than forest management/protection roads)?
_____	_____	_____	Do you wish to sell or transfer the entire property to the Legacy program?
_____	_____	_____	Other. Please specify:

* Retention of unrestricted mineral or oil/gas rights will exclude that portion of your property from consideration in California's Forest Legacy Program.

** Retention of restricted mineral or oil/gas rights which allows less than 10% surface disturbance may be consistent with California's Forest Legacy Program.

Testimony and Permission

The information in this application is true to the best of my knowledge and belief. I (we), as the landowner(s) or landowner's authorized agent (proof of authorization must accompany the application) agree to allow inspection, appraisal, and survey of my property being offered for consideration under California's Forest Legacy Program. I agree to allow members of the California Department of Forestry and Fire Protection, California's Forest Legacy committee or their designated staff to inspect my property at any mutually agreeable time for the purposes of this application. I understand I shall be notified in advance of all inspection visits.

I also understand that this property (i.e., conservation easement) will not be purchased if negotiations do not reach an amicable agreement or if the property does not meet the needs or qualifications of California's Forest Legacy Program **AND that I will not apply for federal funding if I am not willing to allow a government entity to hold title as grantee.** Conservation easements will only be purchased from willing sellers.

Signature(s) of landowner(s) or legal agent Date

e-mail completed application to: jeff.calvert@fire.ca.gov

mail hard copies to

Department of Forestry and Fire Protection
Resource Management
Attn: Jeff Calvert
P.O. Box 944246
Sacramento, CA 94244-2460