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# THE WILDLIFE SOCIETY

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Easements Programs Division  
Natural Resources Conservation Service  
Healthy Forests Reserve Program  
Comments, P.O. 2890, Room 6819-S  
Washington, DC 20013

The Wildlife Society appreciates the opportunity to provide comments on the interim rule for the Healthy Forests Reserve Program. The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association representing over 8,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve wildlife professionals—the scientists, technicians, and practitioners actively working to study, manage, and conserve native and desired non-native wildlife and their habitats worldwide.

### Compatible Uses:

A definition for the term "compatible use" should be included, as it is used throughout the rule. We recommend including the following definition, proposed by the Association of Fish and Wildlife Agencies in their comments: "Compatible use includes those activities, uses or measures that do not interfere with the timely implementation or full effectiveness of conservation practices as described in the restoration plan."

A change in the rule would designate hunting and fishing as a "compatible use" instead of a reserved right of the landowner. NRCS does not have the authority to regulate hunting and fishing activities; that authority and responsibility rests with the state fish and wildlife agencies and the US Fish and Wildlife Service. Therefore, hunting and fishing, as well as trapping, must be reserved rights of the landowner in all NRCS programs and easement deeds.

Prescribed fire can contribute to the restoration, protection, enhancement, maintenance, and management of habitat and forest ecosystem functions and values, and therefore should be included as a compatible use. However, forests are not typically hayed, thus periodic haying (currently included in the rule) is not a relevant compatible use for the HFRP. Equally, some silvicultural practices can be consistent with the restoration plan and program goals and objectives and should be included as a compatible use. We recommend rewording Section 625.11(b) (2) to read as follows: "The right to permit compatible uses by the landowner of the easement area, which may include such activities as use of prescribed fire, grazing, and silvicultural practices that are consistent with the restoration plan and encourage forest enhancement and health, if such use is consistent with the long-term protection and enhancement of the purposes for which the easement was established;"

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### Consultation and Coordination with Other Agencies:

The rule contains several references to coordinating, consulting, or conferring with FWS and NMFS. We recommend that these references also include the relevant state fish and wildlife agency, as these agencies have statutory authority for management of wildlife within the state. Below are some examples of where this change should be made:

- Section 625.3: The state fish and wildlife agencies should be included as agencies with which NRCS coordinates in implementing the program.
- Section 625.15: State fish and wildlife agencies should be included as agencies with which NRCS coordinates with respect to the transfer of land when a Safe Harbor Agreement (SHA) or Candidate Conservation Agreement with Assurances (CCAA) is involved.
- Section 625.6: Coordination with state fish and wildlife agencies in regard to state-listed species should be a requirement in the ranking process.
- Section 625.13: State fish and wildlife agencies are important partners to include in the development of HRRP restoration plans, as they will be able to provide valuable information regarding state-listed species, species of conservation concern and related conservation or management needs. To facilitate better coordination among agencies and in the best interest of landowners, we recommend rewording (a) as follows: "The development of the HRRP restoration plan shall be made through an NRCS representative, who shall confer with the program participant and with FWS, NMFS, and the state wildlife agency to help address state species of conservation concern in restoration plans."

There are also some instances in the rule where broader cooperation with other state and federal agencies would be beneficial.

- Section 625.5: We recommend the process include consultation with other state and federal agencies as a necessary step rather than leaving such consultation discretionary. It is difficult to understand how a meaningful proposal could be submitted to the Chief of NRCS without involving the appropriate state or federal agencies. Such required consultations would facilitate coordination of priorities and maximize conservation opportunities, and hence we recommend the second sentence in this section be changed to read as follows: "The State Conservationist shall consult with other agencies at the State, Federal, and local levels to develop proposals."
- Section 625.13: It is common for the state fish and wildlife agency or another entity to be a permit holder or party to a Safe Harbor Agreement (SHA) or Candidate Conservation Agreement with Assurances (CCAA). Consequently, it is important for the landowner to coordinate terminated agreements with FWS, NMFS, and all parties of the agreements. We recommend rewording (d)(2)(iv) as follows: "... is terminated, the landowner will be responsible to notify and coordinate with FWS, NMFS, and the state fish and wildlife agency or any other relevant party (e.g., non-governmental organization, etc.) to the specific SHA or CCAA, as appropriate, for any modifications related to the SHA or CCAA."

**Focus on Native Species:**

We recommend, throughout the rule, a focus on native species and native ecosystems. Clarifying that the focus is on native (indigenous) forest lands will help keep the program headed in a direction that does not result in unintended impacts on endangered or threatened species through the introduction of invasive non-native plant or animal species and brings clarity to the purpose and scope of the program. Furthermore, this verbiage is consistent with the definition of "restoration" in the rule that includes "native and natural communities." Therefore, we recommend that:

- The word "native" be inserted before "forest ecosystems" in 625.1 (a) and before "plant and animal biodiversity" in 625.1 (b) (2).
- The definition of biodiversity be reworded as follows: "Biodiversity means the variety and variability among living organisms native to the ecological sub-region and ecological complex."
- The definition for "forest ecosystem" be amended to include the word 'native' before "plants, animals and microorganisms interacting."

**Easement Terms/Requirements:**

The best way to protect high priority native forestlands is through permanent easements. Therefore, we recommend expending no less than 60% of funding from the Healthy Forest Reserve Program for purchasing permanent easements. (Section 625.4(a)(1))

**The Appraisal Process:**

The *Uniform Standards for Professional Appraisal Practice* (USPAP) has been used with success for permanent easements in some areas of the country. However, the Yellow Book appraisal process (Uniform Standards for Federal Land Acquisition – UASFLA) should not be used. It has not worked well on forested wetlands enrolled in WRP, as it does not take into account how the land might be used when converted to other uses. HFRP easements/contracts protect against real and reasonable conversion pressures. Implementing valuation methods that NRCS easement staff are accustomed to may ease workload burdens and having the flexibility to use the methodology that works best within a particular landscape is vital to the success of the program. We recommend that NRCS use the same appraisal processes for the HFRP as those being used for the WRP as of January 2009 to increase consistency of valuations across easement programs and hopefully ease confusion and workload burdens with NRCS staff and appraisers.

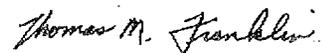
**Carbon Sequestration:**

Climate change has the potential to drastically affect natural resource management in coming years, and we appreciate the inclusion of carbon sequestration in HFRP. However, program constraints are needed to ensure that the conversion of native forestlands to non-native woody species (that will not provide habitat for threatened or endangered species, even though these woody species may maximize carbon sequestration), does not occur. The goal should be to optimize carbon sequestration through management that maintains diverse and high quality native forests. We recommend that the second sentence in Section 625.13(c) be reworded as follows: "...To the extent practicable, eligible practices and measures will improve biodiversity

and optimize the sequestration of carbon through management that maintains diverse and high quality native forest lands to accomplish the goals of the restoration plan.”

Thank you for considering the views of wildlife professionals.

Sincerely,



Thomas M. Franklin  
President