



# VERMONT'S FOREST LEGACY PROGRAM FAQ SHEET



## **What is the Forest Legacy Program?**

Forest Legacy is a federally funded program designed to conserve forest land, with money available to landowners who qualify and are willing to participate. Specifically, as part of the Forestry Title of the 1990 US Farm Act, Forest Legacy has the purpose of “ascertaining and protecting environmentally important forest areas that are threatened by conversion to non-forest uses and, through the use of conservation easements and other mechanisms, for promoting forest land protection and other conservation opportunities. Such purposes shall also include the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values.”

## **Who is eligible to apply?**

Any private landowner or authorized agent may submit an initial application if the land proposed for Legacy is within a designated Legacy Area, has important resources or values in line with federal and state criteria, and can continue traditional forest uses.

## **What are “Legacy Areas”?**

They are regions within the state which have been designated by the Vermont Forest Legacy Committee, in coordination with municipalities, which have the following characteristics:

They encompass forest lands with significant environmental and other resource-based values

- They are threatened with conversion to non-forest use
- They provide opportunities for the continuation of traditional forest uses, such as forest management, timber harvesting, other commodity use, and outdoor recreation.
- They may include farms and villages if they are an integral and logical part of the boundary.
- Their boundaries are defined by landmarks that are easily identified and recorded, such as lake shoreline, town line, road, etc.

## **What is unique about the Forest Legacy Program that distinguishes it from other conservation efforts?**

The Program is unique in that it aims to conserve land that is specifically threatened from conversion to non-forest uses, and allows for those lands to be managed by individual landowners as outlined in a Forest Stewardship Plan . This recognizes both private property ownership and the public interest in certain values on that property, and provides compensation to the landowner for protection of those values.

## **What is a conservation easement?**

A conservation easement is a legal agreement that a willing property owner makes voluntarily to restrict the type and amount of development that may take place on their land. The conservation easement is either donated to, or purchased by, the organization holding the easements. Some land uses are typically prohibited or restricted through conveyance of certain land rights. The landowner retains title and all remaining land rights not specifically conveyed or prohibited in the easement.

## **Where does the money come from to purchase these easements?**

Up to 75% of the money comes from the US Department of Agriculture as part of the Farm Bill. The other 25% must come from non-federal sources, either as cash or in-kind contributions.

## **How much will Forest Legacy pay a participating landowner for a conservation easement?**

Payment for a conservation easement is based on the Fair Market Value of the property under easement, using Federal Appraisal Standards. In no circumstances can the program pay more than the appraised value of the rights to be purchased. Payment varies because development rights may make up a large portion of the total value of a property in areas with high development pressures but a much lesser part of total value in areas with less development pressure.

## **Won't conserving large tracts of forest land reduce the town's economic vitality?**

It is Legacy's intent to help insure continuation of the economic support now provided by working forests. While there could be some devaluation of land for tax purposes, since there is no payment in lieu of taxes by the Forest Service for easements, the effect on the tax base should be minor and more than offset by less demands for local services which would result if the land were developed.

### **Will acquisition of an easement grant public access to the land?**

Public pedestrian access is an important resource to Vermonters and is therefore required with conservation easements purchased with Forest Legacy funds. Landowners may choose to allow mechanized, motorized, or equestrian access in addition to pedestrian access though it is not required. There are two methods by which landowners can control the public access to certain areas on their land. The most logical way to restrict public access is to exclude these portions of land from the easement area (i.e. acreage surrounding the home). In a case where the primary purposes of the easement are impeded by public access arbitration language exists in the easement which enables landowners to restrict access.

### **Are landowners liable if, because of required public access, someone gets hurt on their land?**

Landowners are not liable for unintentional injury to persons recreating on their land. The Vermont Statute "Limitations on Landowner Liability" states that "An owner shall not be liable for property damage or personal injury sustained by a person who, without consideration, enters or goes upon the owner's land for a recreational use unless the damage or injury is the result of the willful or wanton misconduct of the owner" 12 VSA Section 5791.

### **What is the application process?**

If a property is eligible for the program, the landowner or an authorized agent may submit an application. The applications are reviewed and ranked by the VT Forest Stewardship Committee, usually in late fall. Once the projects are ranked, the list is sent to the US Forest Service Northeast Area office where they are ranked against the other northeast area states. The regional ranking is sent to Washington to be used to prepare the next federal fiscal budget the following winter. Projects submitted this summer would likely not be considered by Congress until the following summer in preparation for the upcoming budget.

### **Are landowners required to have a stewardship plan for the Forest Legacy Program?**

Yes, Forest Stewardship Plans are necessary in order for a particular piece of land to be eligible for the Forest Legacy Program. However, if one does not already exist, a plan may be developed as part of the application process. Such plans are not to limit landowner's management of their forests, but are to ensure that landowners receive professional advice on how best to manage their forest land to meet their goal(s) and objectives.

### **Can I change my mind and take a parcel out of the program after I have sold the development rights?**

No. You will have sold a partial ownership of the property for a cash payment. You may sell or dispose of the remaining rights but the state will continue to hold a permanent easement on the property. Remember the goal of the program is to keep forests as forests; flexibility on this point defeats the purpose.

### **Can the way the forest is managed, and what it is used for, change after it is entered into the Forest Legacy Program?**

Yes. As long as the new use is compatible with the long term sustainability of the forest, the forest stewardship plan can be amended.

### **What are the main benefits to landowners participating in Forest Legacy?**

- Receiving payment for development rights without having to give up ownership of the property.
- Protecting the forest from being converted to some other use.
- Continuing the many uses of and gaining income from the property.
- Assuring permanent green space within your community.

### **What are some of the projects that have been completed in Vermont?**

- 1,600 acres— Cow Mountain Pond tract (Granby)
- 2,281 acres— Worcester Woods (Elmore)
- 2,086 acres—Wilderness Corporation Tract (Plymouth/Mt Holly)
  - 664 acres—Mt Holly Wildlife Corridor (Rutland County)
- 31,450 acres— Hancock (Essex & Orleans Counties)
- 5,113 acres—Green River Reservoir (Hyde Park & Eden)
- 2,500 acres—Monadnock Mountains (Essex County)

### **Who should I contact to get more information about Forest Legacy?**

Contact Kate Willard in the Lands Division of the VT Department of Forests, Parks & Recreation, 103 South Main St, Waterbury, VT 05671-0601. Phone: 802/241-3697. Email: [kate.willard@anr.state.vt.us](mailto:kate.willard@anr.state.vt.us)