CALIFORNIA FOREST LEGACY APPLICATION

FY25 INFLATION REDUCTION ACT

**(This application is available electronically.)**

**Submit by June 14, 2024 for consideration for FY25 IRA Round 1**

**Submit by December 13, 2024 for consideration for FY25 IRA Round 2**

*The California Forest Legacy Program uses Federal Funds, and non-Federal cost-share funds, to purchase conservation rights through fee title or conservation easements on environmentally important forests in California so these threatened properties remain intact and continue to provide traditional forest benefits.*

**Applicant Information**

|  |  |
| --- | --- |
| Applicant: |  |
| Address: |  |
| City, State, Zip: |  |
| Phone: |  |
| Fax / e-mail: |  |

**Landowner 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 it): | | | |  | |

#### **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 government entity holds title? Yes  No  If yes, please indicate the entity.  Will there be an endowment for monitoring? Yes  No  Do you want CAL FIRE to be responsible for monitoring? Yes  No  Will subdivision rights be combined and relinquished into a single parcel? Yes  No | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. | Is any of this area Certified Forest or in a Habitat Conservation Program? | | | | | | | | | | | | | | | | | | | | | | | | Yes | | | No | |
|  | | How many acres? | | |  | | | | | | | | | | | | | | | | | | | | | | | | |

#### **Project Type**

(1) Large Landscape Project; (2) State-Tribal Partnership Project; (3) Strategic Small-Tract Project

|  |  |  |
| --- | --- | --- |
| Project Type |  |  |

#### **Project Overview**

|  |  |  |
| --- | --- | --- |
| Name: |  |  |
| Short Name: |  |  |

Description (maximum 1250 characters)

#### **Landowner Goals and Objectives Section**

1. Please describe your long term goals and objectives for the nominated property. (It might help to think about – Why is the property important to you? Why did you buy it? What would you like to do on and with this property?) Use as much space as needed
2. Do you have a written forest management plan? Yes  No

If yes, please send a copy with your application (Please note that a multi-resource forest management plan is a requirement for inclusion into the program at the time of closing on a conservation easement)

1. 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 #: |  |

**Tract Evaluation**

**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.**

\* See instructions for definition.

**IMPORTANCE (Maximum of 20 items)**

This criterion focuses on the attributes of the property and the environmental, social, and economic public benefits gained from the protection and management of the property and its resources. This criterion reflects the ecological assets as well as the economic and social values conserved by the project and its level of significance.

1. 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. Additional points should be given to land that is 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 property contains characteristics (such as highly productive soils) to sustain a productive forest.
2. Economic Benefits from Non-Timber Products - Provides non-timber revenue to the local or regional economy through activities such as hunting leases, ranching, non-timber forest products (maple syrup, pine straw, ginseng collection, etc.), guided tours (fishing, hunting, birdwatching, etc.), and recreation and tourism (lodging, rentals, bikes, boats, outdoor gear, etc.).
3. Threatened or Endangered Species Habitat - The site has documented threatened or endangered plants and animals or designated habitat. Documented occurrence and use of the property should be given more consideration in point allocation than if it is habitat without documented occurrence or use. Federally listed species should be given more consideration than state-only listed species when evaluating the significance of this attribute.
4. Fish, Wildlife, Plants, and Unique Forest Communities - The site contains unique forest communities and/or important fish or wildlife habitat as 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. The mere occasional use of the property or a modest contribution to an international initiative does not raise the property to national importance.
5. Water Supply, Aquatic Habitat, and Watershed Protection - (1) Property has a direct relationship with protecting the water supply or watershed, such as providing a buffer to public drinking water supply, containing an aquifer recharge area, or protecting an ecologically important aquatic or marine area, and/or (2) the property contains important riparian area, wetlands, shorelines, river systems, or sensitive watershed lands. When allocating points consider the importance of the resource, the scope and scale of the property, and the magnitude and intensity of the benefits that will result from protection of the property. Merely being located within an aquifer recharge area or in a water supply area should not be given the same consideration as a property that makes a significant conservation contribution to water, riparian, and aquatic resources and habitats.
6. Public Access - Protection of the property will maintain or establish access by the public for recreation; however, restrictions on specific use and location of recreational activities may exist.
7. Scenic - The site is located within a view shed of a government designated scenic feature or area (such as a trail, river, or highway). Federal designation should be given more consideration than state-only designations when evaluating the significance of this attribute.
8. Historic/Cultural/Tribal - The site contains features of historical, cultural, and/or tribal significance, formally documented by a government or a non-governmental organization. A Federal designation should receive greater consideration.

**THREATENED (Maximum of 10 items)**

This criterion estimates the likelihood for conversion. More points will be given to projects that demonstrate multiple conditions; however, a project need not have all the conditions listed to receive maximum points for this category.

**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 (Maximum of 10 items)**

This criterion reflects the project's relevance or relationship to conservation efforts on a broader perspective. When evaluating strategic, four considerations should be made: l) 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.

**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.).

**SPECIAL EMPHASIS CRITERIA**

Within each of the three project categories, the National Review Panel members will evaluate and score each project based on the Special Emphasis Criteria.



**READINESS**

Project Readiness is defined as the degree of due diligence completed. To demonstrate project readiness, completed items need to be specified (including completion date) in FLIS and credit will only be given to those items completed (One tally for each completed item, with a maximum tally of 5).

1. Landowner and State have agreement on conservation easement or fee acquisition conditions.

2. Cost Share commitment has been obtained from a specified source(s) and documented through funding commitment letters, bargain sale agreement with landowner, etc.

1. A signed option or purchase agreement is held by the State or at the request of the State OR At the request of the State, fee title has been pre-acquired by a third party.

1. Title search is completed, including identifying any temporary or permanent protections.

1. Mineral rights have been evaluated through a title search and/or other research AND if rights are severed, then a minerals assessment and determination of remoteness has been completed.

**Additional Tract Information**

1. List existing permanent improvements on the tract, including houses, barns, reservoirs, man-made ponds, dams, wells, roads, and other structures, and total number of acres occupied by improvements.

1. Identify all knowns dumps or waste disposal sites on the property.

**Landowner’s Comments Section**

Supporting Parties

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

##### 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 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:

1. Are you willing to donate part of the easement value? Yes  No

* What percentage are you willing to donate?
* What is your approximate asking price for the interest being offered?

1. 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 yes, who is the partner and what is the relationship?
* How much are they willing to contribute to the cost of the easement?

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

**Comments:**

###### Liens and Encumbrances

Please list any and all liens and encumbrances on the property proposed for enrolment 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.

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 the State 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.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| YES |  | NO |  | UNSURE |  | Forest use or interest |
|  |  |  |  |  |  | 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? Public access is not a requirement of the Forest Legacy Program. |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  | 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 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. Conservation easements will only be purchased from willing sellers.

|  |  |  |  |
| --- | --- | --- | --- |
| **Signature(s) of landowner(s) or legal agent** |  | Date |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Email the completed application to:** [forestlegacy@fire.ca.gov](mailto:forestlegacy@fire.ca.gov)

California Department of Forestry and Fire Protection

Attn: Kevin Kiniery, Forest Legacy Program Coordinator

1234 East Shaw Avenue

Fresno, CA 93710

Email: [Kevin.kiniery@fire.ca.gov](mailto:Kevin.kiniery@fire.ca.gov)

Phone: 559-281-8479

**APPLICATION PACKET CHECKLIST:**

|  |  |
| --- | --- |
|  | Thoroughly completed and signed 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 |
|  | Aerial photo (or high quality copy) of the property, if available (this is not necessary for initial application). Please outline property |
|  | The boundaries of the project on a USGS quadrangle or equivalent topographic map. |
|  | Any written comments you wish to provide in addition to the application |
|  | Readiness documentation |

# CALIFORNIA FOREST LEGACY CONSERVATION VALUES

* CAL FIRE’s Forest Legacy Program (FLP) does not support subdividing, parcellation or fragmenting project areas following establishment of the conservation easement. Projects funded by CAL FIRE’s FLP and projects CAL FIRE will support which are funded by the Federal FLP shall combine and relinquish all subdivision rights into a single parcel in perpetuity.
* Forest Management – the FLP only requires that forest management on conservation easements follow the Forest Practice Act and Rules (FPR’s). We will negotiate values on forest management practices intended to provide higher standards than the FPR’s. The FLP does not automatically provide value for enhanced forest management practices.
* The primary goal of the Forest Legacy Program is to conserve working forest landscapes, not preserved landscapes. Generally, no more than 10% of the ownership within the conservation easement will be preserved landscapes with no commercial forest management activities allowed.
* Designated Improvement Areas (DIAs) – the FLP allows a limited number and acreage of specified envelopes for residential, agricultural or commercial improvements. All structures not identified as small-scale improvements must be contained in a DIA. Hunting cabins and other livable structures with 4 walls and a roof will not be considered small-scale improvements. The exact number of envelopes and total acreage will be determined on a case-by-case basis, but generally the total acreage shall be somewhere between 0 and 2 percent of the overall property acreage. The FLP does not support floating DIAs but does support designating numerous potential DIAs, all of which must be mapped in the Baseline Report. DIA’s should be 20 acres or less.
* FLP does not support the following Incompatible Uses within the project area:
  + - Large commercial developments such as residential subdivisions, office buildings, commercial parking lots, hotels, casinos, and resort developments
    - Surface mining (with exception of gravel pits for onsite rock use)
    - Sports fields
    - Commercial signage
    - Unmanaged or commercial off-road vehicle use
    - Aircraft runways
    - Dumps
    - Retail and commercial energy generation
    - Intensive agriculture outside of development envelopes

Note: A landowner may have an Incompatible Use on the property so long as the acreage impacted by the Incompatible Use is taken out of the easement area and there will not be negative impacts on other portions of the property covered by the easement.