





# Wisconsin's Forest Legacy Program



Established in 1990, the Forest Legacy Program (FLP) was established for the purpose to identify and protect environmentally important private forestlands threatened by conversion to nonforest uses and provide the opportunity for continuation of traditional forest uses, such as forest management activities and outdoor recreation.

Wisconsin's Forest Legacy Program aims to keep forests as forests by protecting large unfragmented blocks of forest lands that provide the highest conservation value and public benefit and minimize conversion of forests to non-forest uses through the purchase of conservation easements. Conservation easements convey a "purchased" set of negotiated property rights, while allowing landowners to continue to own and manage their land, including the right to sell. The program is well-positioned to protect and preserve the integrity of forest lands in perpetuity and prevent forest fragmentation while promoting the sustainable use of the state's forests.

Historically, participation in the Forest Legacy Program (FLP) required demonstrated eligibility through development of an Assessment of Need (AON). Wisconsin's initial *Assessment of Need* (AON) was completed in 2000, and subsequently *updated* during the 2010 Forest Action Plan update process. Wisconsin's 2000 AON will continue to serve as a reference baseline assessment at the time the state entered the program.

Wisconsin's 2020 Statewide Forest Assessment and Strategy includes the FLP strategic update and is intended to meet the planning requirements of the Program as outlined in the 'Forest Legacy Program Implementation Guidelines' (May 2017). For the purposes of the FLP, eligibility criteria to identify and delineate important forest areas (i.e. Forest Legacy Areas) are defined, FLA goals are established, and the process for evaluating and selecting projects has been updated. Collectively, these documents will guide implementation of Wisconsin's Forest Legacy Program for the next 10 years.

#### **PURPOSE OF THE FOREST LEGACY PROGRAM**

The purpose of the FLP is to identify and protect environmentally important forest areas that are threatened by conversion to non-forest uses. Desired outcomes include the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values. Traditional forest uses, including timber management, as well as hunting, fishing, hiking, and similar recreational uses are consistent with purposes of the FLP. Lands are protected through the acquisition of conservation easements or fee title purchases from willing sellers or donors.

Landowner participation in the program is entirely voluntary. The U.S. Department of Agriculture, Forest Service, implements the FLP through State participation, consistent with national program guidelines, and as described in Wisconsin's State Forest Action Plan.

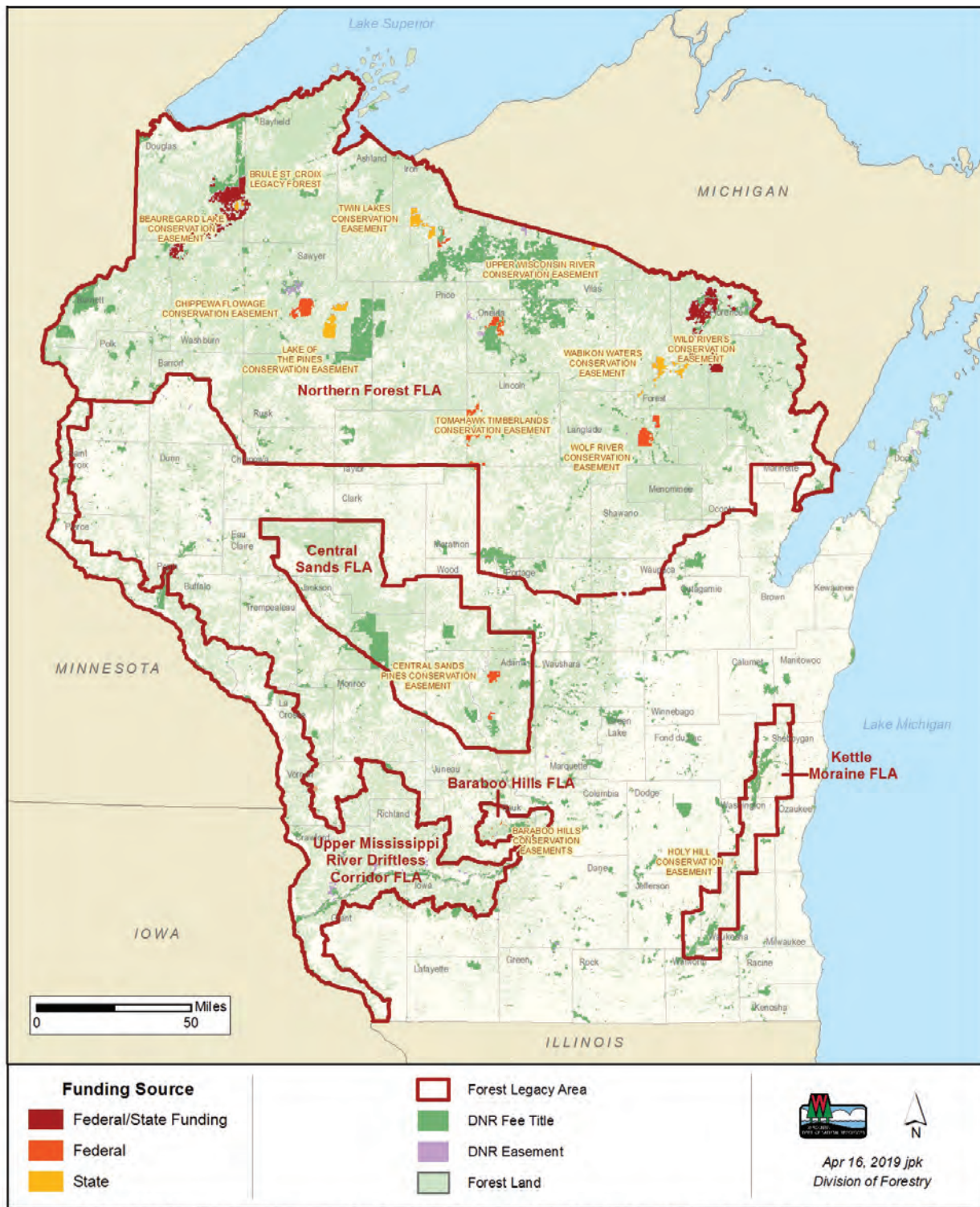
#### **AUTHORITY**

The Cooperative Forestry Assistance Act (CFAA) of 1978, as amended, (16 USC 2101 et seq.) provides authority for the Secretary of Agriculture (Secretary) to provide financial, technical, educational, and related assistance to States, communities, and private forest landowners. Section 1217 of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624:104 stat.3359; 16 U.S.C. 2103c), also referred to as the 1990 Farm Bill, amended the CFAA and directs the Secretary to establish the FLP to protect environmentally important forest areas that are threatened by conversion to non-forest uses. This authority continues indefinitely. Through the 1996 Farm Bill (Federal Agricultural Improvement and Reform Act of 1996; Public Law 104-127; Title III - Conservation; Subtitle G - Forestry; Section 374, Optional State Grants for Forest Legacy Program), the Secretary is authorized, at the request of a participating State, to make a grant to the State to carry out the FLP in that State, including the acquisition by the State of lands and interests in lands.

#### **PROGRAM IMPLEMENTATION**

Wisconsin's Forest Legacy Program is implemented through the State Grant Option which allows the State of Wisconsin will hold title to all conservation easements or deeds for tracts acquired and entered into the program. The Wisconsin Department of Natural Resources (DNR) – Division of Forestry is the lead agency implementing the program, with consultation by the Wisconsin Private Forestry Advisory Committee (WPFAC), which serves as Wisconsin's Forest Stewardship Coordinating Committee. The DNR may elect to delegate management and administration of individual tracts within the program to another Division within the DNR. However, the Division of Forestry is the only party that can enforce the terms and conditions of the conservation easement.

# MAP 21 - FOREST LEGACY PROGRAM CONSERVATION EASEMENTS



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Map 21: Forest Legacy Program Conservation Easements

## FOREST LEGACY ASSESSMENT & IDENTIFICATION OF FOREST LEGACY AREAS

Broadly speaking, Wisconsin's FAP guides the work of Wisconsin's forestry community. As the lead agency administering the FLP in Wisconsin, continued participation in the Program requires periodic evaluation of current forest uses, trends and conditions, and factors influencing conversion to non-forest uses, with these elements integrated into the FAP. For purposes of the FLP, the FAP provides an assessment of forest conditions, uses and trends, provides the framework to identify priority forest landscapes and addresses the following key components:

- Forest resources and benefits including
  - Aesthetic and scenic values
  - Fish and wildlife habitat
  - Public recreation opportunities
  - Soil productivity
  - Forest products and timber management opportunities
  - Watershed values including water-quality protection
- Threat of forest conversion to non-forest uses
- Historic / traditional forest uses, and trends / projected forest uses
- Current ownership patterns, tract size and trends / projected ownership patterns
- Cultural resources that can be effectively protected
- Outstanding geological features
- Threatened and endangered species
- Other ecological values
- Mineral resource potential
- Protected land (e.g. federal, state, county)
- Key issues determined by WPFAC and public involvement process

### PUBLIC BENEFITS DERIVED FROM WISCONSIN'S FLAS

Protecting land through conservation easement or fee acquisition offers a variety of public benefits. Privately owned forests contribute significantly to the states' supply of timber and timber products, while also providing important wildlife habitat, watershed protection, recreation opportunities and aesthetic values. With conservation easements, the rate at which land becomes fragmented or parcelized is reduced, and protects valuable ecosystems and the biological, economic and social values they provide. The FLP will help maintain the forestland base, protect special forest resources and provide opportunities for traditional forest uses for future generations.

When and where appropriate, public access rights may be negotiated and/or purchased for tracts located in FLA's to provide continued or increased public recreation opportunities. Projects within the Mississippi River Driftless Area

FLA will strive to protect and improve water quality in watersheds and tributaries that drain into the Mississippi River. Projects within the Baraboo Hills FLA and the Kettle Moraine FLA will protect greenspace within urban and developed areas from further development and aesthetic and scenic values prominent throughout the FLA.

### ELIGIBILITY CRITERIA FOR WISCONSIN'S FOREST LEGACY AREAS

In consultation with the Wisconsin Private Forestry Advisory Committee (WPFAC) – which serves as Wisconsin's Forest Stewardship Coordinating Committee – the following criteria have been established as a basis for designating Forest Legacy Areas (FLA's):

#### • Environmentally Important Forests

Environmentally important forest areas in Wisconsin are those areas having large forested blocks (including private industrial forest blocks) offering opportunities for continued traditional forest uses such as timber harvesting and undeveloped recreation opportunities. For purposes of Wisconsin's FLP, large block forested land is defined as land that is:

- locally, regionally or nationally significant
- able to support diverse populations of wide-ranging mammals, forest interior bird species, and a diversity of communities and / or a variety of forest habitats

Other contributing factors include protecting rare plant and animal species and communities, sequestering carbon, conserving wildlife habitat and habitat diversity, and buffering streams and lakes. These lands sustain productive high-quality forest ecosystems that can support commercial forest industries and other traditional economic enterprises or that contain forest resources deserving of protection. Such ecosystems and uses can best be sustained within large blocks of forest cover, which are reasonably intact, and often consist of multiple ownerships. It is important these large blocks continue to remain as intact forest systems and not converted to non-forest uses.

- Contain at least two (2) of the following public or environmental values:
  - *Opportunities for Traditional Forest Uses*  
Large expanses of forested areas, rich in species diversity, habitat and topography, capable of supporting high-quality timber, recreational opportunities, hunting, wildlife viewing, and gathering of forest products.
  - *Fish and Wildlife Habitat*  
Large expanses of forested areas rich in diversity

capable of supporting diverse populations, including wide-ranging mammals, forest interior bird species, fish and aquatic life, and a variety of forested habitats.

- *Known Rare Species*

Large expanses of forested areas diverse in species habitats and topography that increase the chance of offering the habitat requirements for rare species or, forests that contain known occurrences of State or Federally listed threatened, endangered or rare species.

- *Known Cultural Resources*

Large expanses of forested areas rich in diversity that encompass historical human migration routes such as rivers, old trails or forests that contain known cultural resources.

- *Riparian Areas*

Large expanses of forested areas rich in diversity that offer the opportunity to buffer and protect inland lakes and streams.

- *Scenic Values*

Large expanses of forested areas rich in visual diversity and topography that contain a corridor for viewing, such as a scenic byway, road, river, or lake.

- *Public Recreational Opportunities*

Large expanses of forested areas offering the opportunity for land and water-based recreation which may encompass regionally important trails or areas for which a trail system is planned.

• **Be threatened to conversion by non-forest uses including:**

- *Residential development*

There is excessive development pressure in the forested portions of the state, particularly where the presence of lakes and streams increase the

recreational potential of these lands and in parts of the state with easy access to metropolitan areas.

- *High property taxes*

Forestlands are being assessed on the highest use value of that land rather than current use. High property taxes may force landowners to sell their land to developers.

- *Rapid turnover of property*

An increased rate of ownership transfer results in owners who have no long-term connection to the property and who are less interested in sustainable forestry practices and principles.

- *Forest industry restructuring*

Forest industries have been a major property owner in many areas of the state, particularly in the north. Companies are trending towards less land ownership and selling off their land holdings causing land parcelization and forest fragmentation.

- *Urban sprawl*

Metropolitan areas are expanding into Wisconsin's forests, further fragmenting forest cover.

- *Deer population*

When forest fragmentation occurs, the accompanying openings and landscapes create the ideal situation for deer populations to rise to abnormally high levels, which may negatively impact forest regeneration.

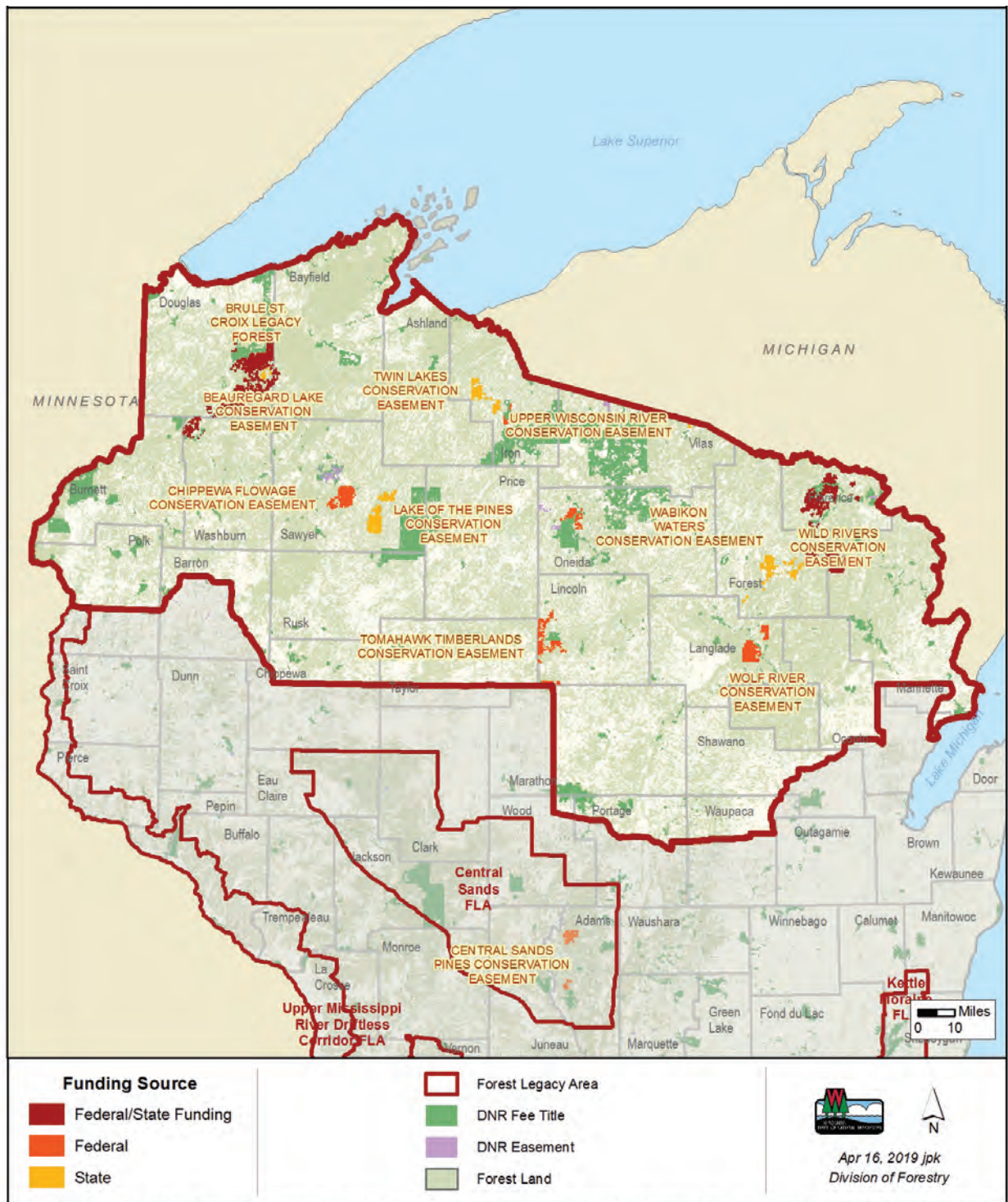
- Areas that meet the above criteria and are deemed threatened by conversion at a regional level.

**WISCONSIN'S FOREST LEGACY AREAS DESCRIBED**

**Northern Forest FLA (including all or parts of the following counties)**

Polk, Burnett, Douglas, Bayfield, Ashland, Washburn, Barron, Rusk, Chippewa, Taylor, Sawyer, Iron, Price, Marathon, Wood, Portage, Waupaca, Lincoln, Oneida, Vilas, Langlade, Forest, Florence, Marinette, Oconto, and Menominee.

# MAP 22 - FOREST LEGACY PROGRAM CONSERVATION EASEMENTS – NORTHER FOREST FLA



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Map 22: Forest Legacy Program Conservation Easements – Norther Forest FLA

### **Goals of the Northern Forest FLA**

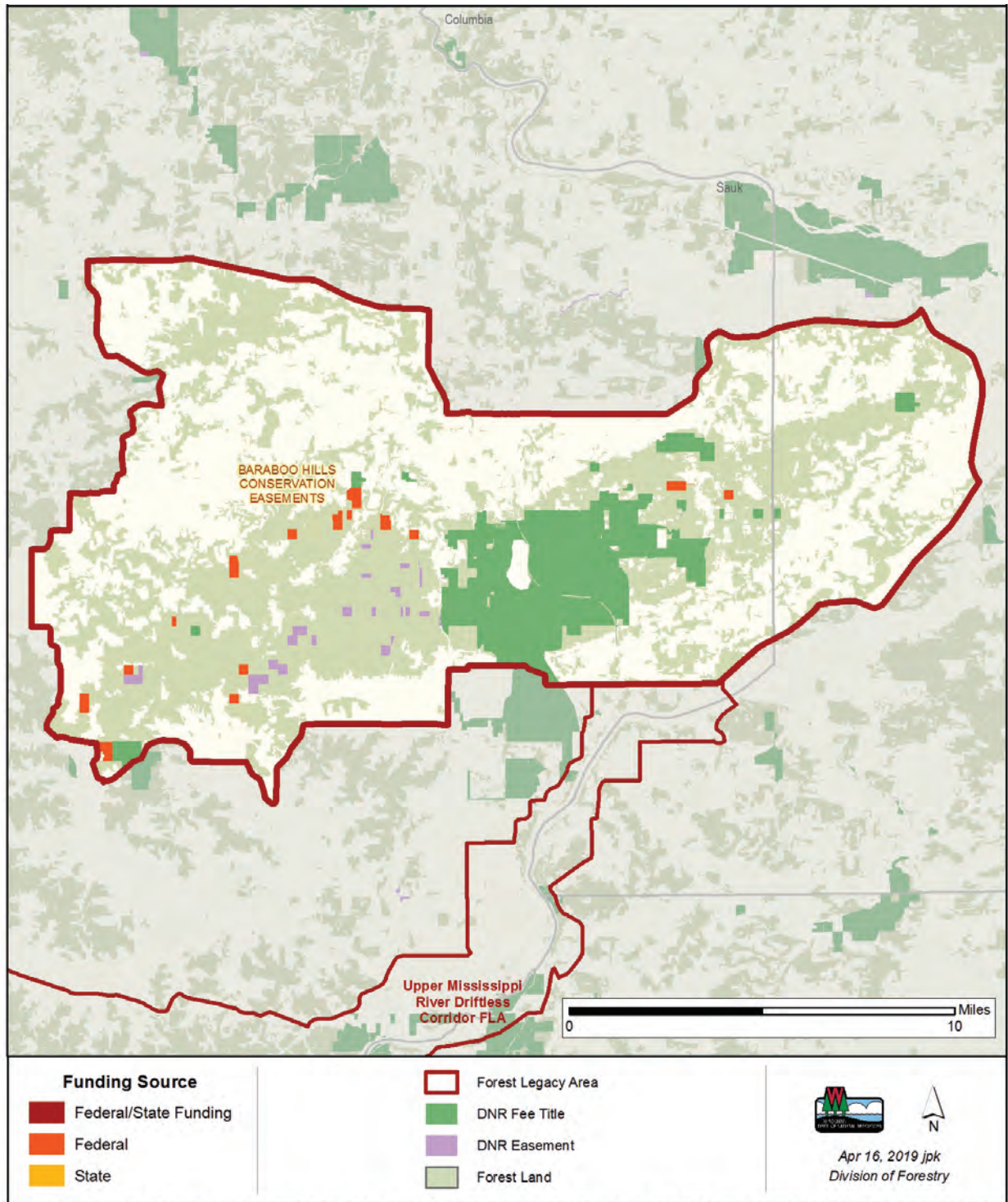
- Provide forest connectivity with and between other protected lands
- Protect forest resources and large forest blocks from development and subdivision
- Protect habitat for both rare and common species
- Provide public access and recreational opportunities in northern forests

### **Important Environmental Values of the Northern Forest FLA**

- Large blocks of productive forests including the following important forest communities:
  - northern wet & mesic forests
  - boreal forest
  - northern dry mesic forest
  - northern dry forest
  - pine barrens\*
- Contain regionally and globally important habitat and diverse communities supporting an array of rare and endangered plant and animal species, breeding song-bird populations.
- \*Northwest portion of the FLA contains the state's greatest concentration of Pine Barrens, which are globally rare, as well as some unique indicator species including 15 herptile species considered to be at the northern, northeastern or northwestern fringe of their habitat.
- Undeveloped areas for recreational opportunities



# MAP 23: FOREST LEGACY PROGRAM CONSERVATION EASEMENTS – BARABOO HILLS FLA



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Map 23: Forest Legacy Program Conservation Easements – Baraboo Hills FLA

**Baraboo Hills FLA (including all or part of the following counties)**

Sauk and Columbia

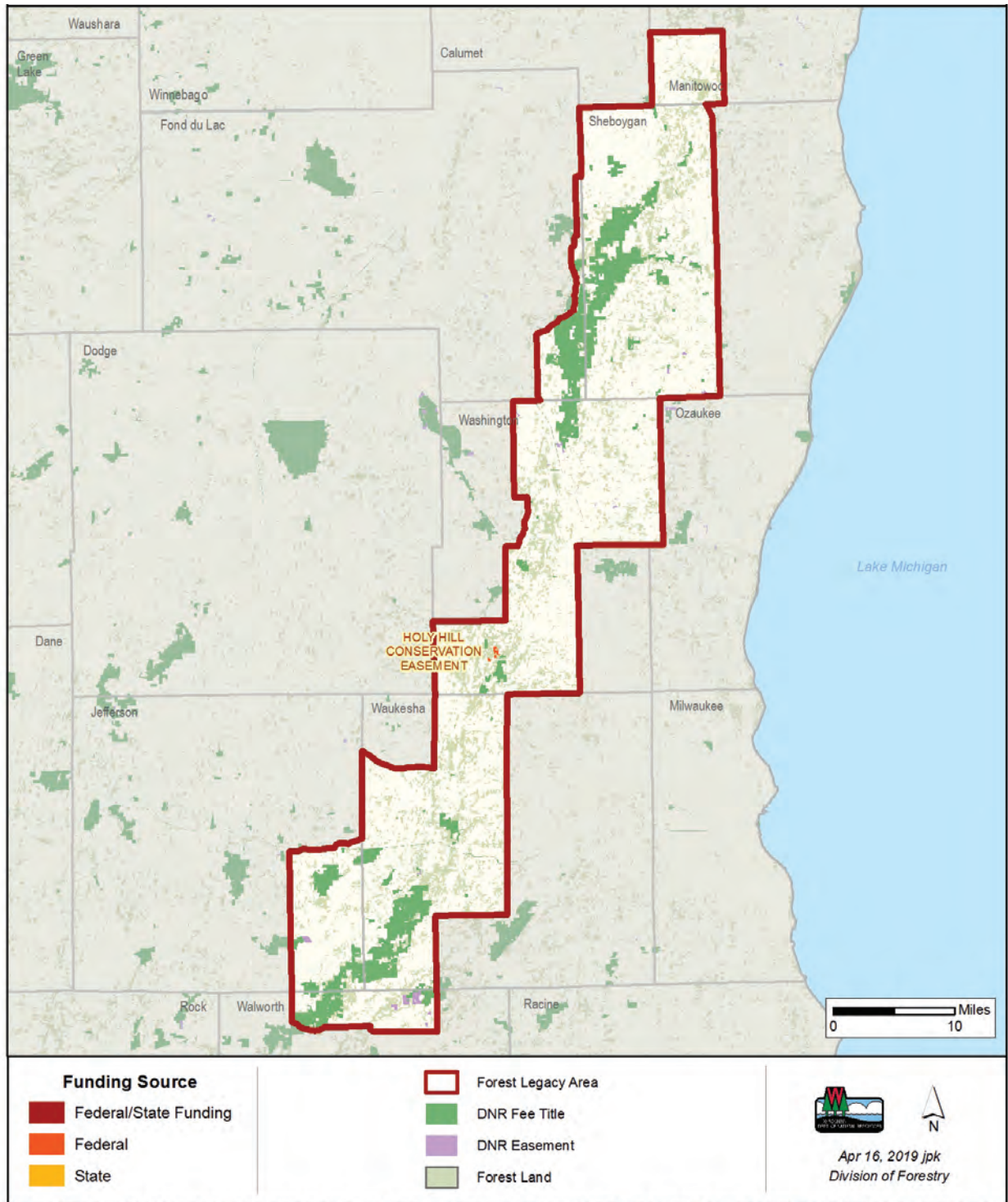
**Goals of the Baraboo Hills FLA**

- Protect forest blocks that provide connectivity and environmental corridors between other protected properties
- Reduce parcelization to protect interior forests
- Protect rare and sensitive species and communities

**Important Environmental Values of the Baraboo Hills FLA**

- One of the largest contiguous upland hardwood forests in the Midwest
- Incredible diversity of species, including more than 1,800 different kinds of plants and animals
- Scenic vistas and waterfalls
- One of the most ancient rock outcrops in North America, the Baraboo quartzite

# MAP 24: FOREST LEGACY PROGRAM CONSERVATION EASEMENTS – KETTLE MORAINE FLA



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Map 24: Forest Legacy Program Conservation Easements – Kettle Moraine FLA

**Kettle Moraine FLA (including all or part of the following counties)**

Walworth, Jefferson, Waukesha, Washington, Fond du Lac, Sheboygan, and Manitowoc

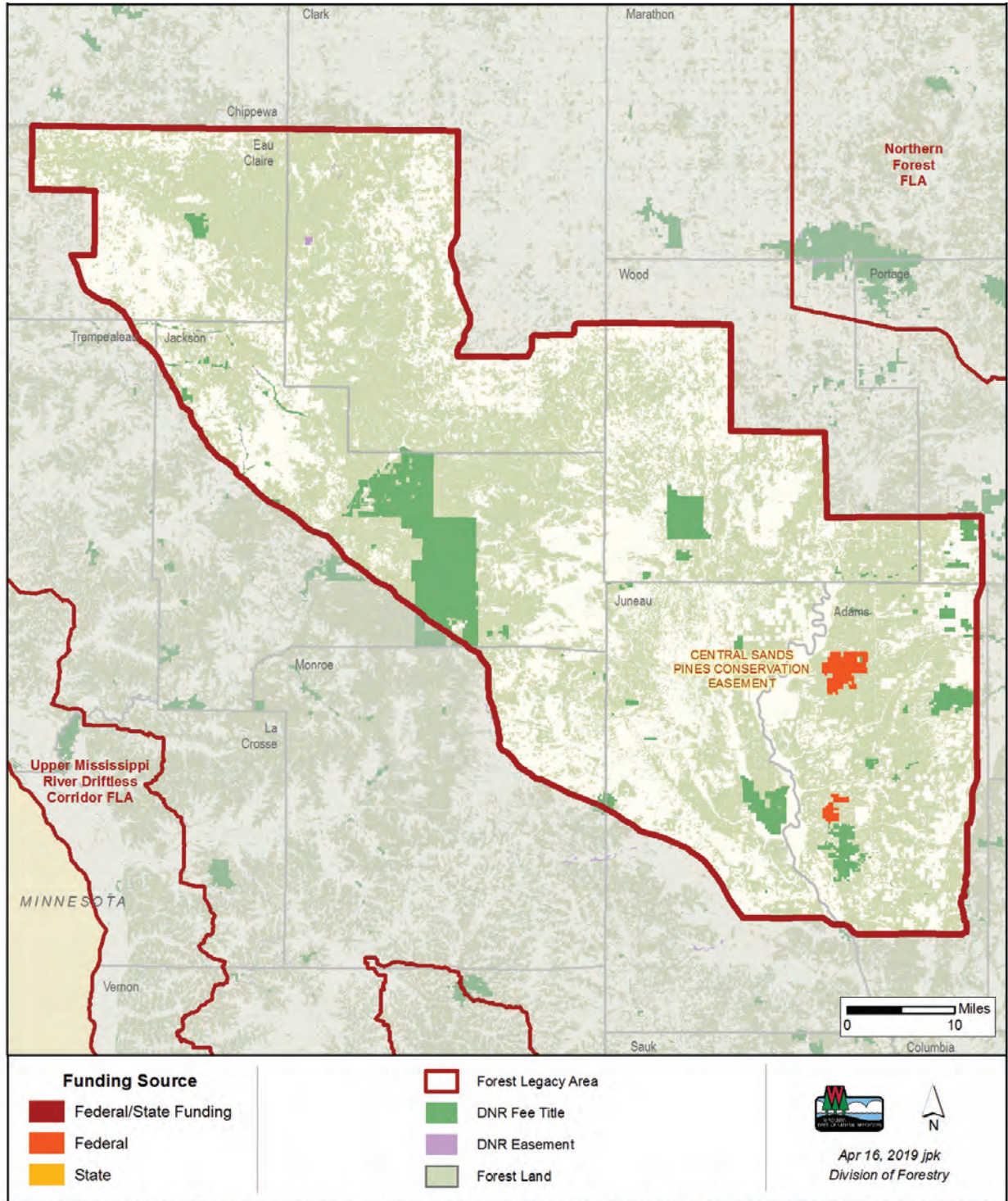
**Goals of the Kettle Moraine FLA**

- Establish environmental corridors and connectivity between the Northern and Southern units of the Kettle Moraine State Forest.
- Provide buffers around public lands to ensure compatible uses on lands surrounding public lands
- Protect remaining blocks of productive forest lands
- Protect water quality and associated kettle lakes

**Important Environmental Values of the Kettle Moraine FLA**

- Only remaining contiguous forest in Southeastern Wisconsin.
- Important habitat for rare and endangered neo-tropical songbirds
- Critical landscape for both uncommon and rare species

# MAP 25: FOREST LEGACY PROGRAM CONSERVATION EASEMENTS – CENTRAL SANDS FLA



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Map 25: Forest Legacy Program Conservation Easements – Central Sands FLA

**Central Sands FLA (including all or part of the following counties)**

Eau Claire, Clark, Jackson, Wood, Juneau and Adams

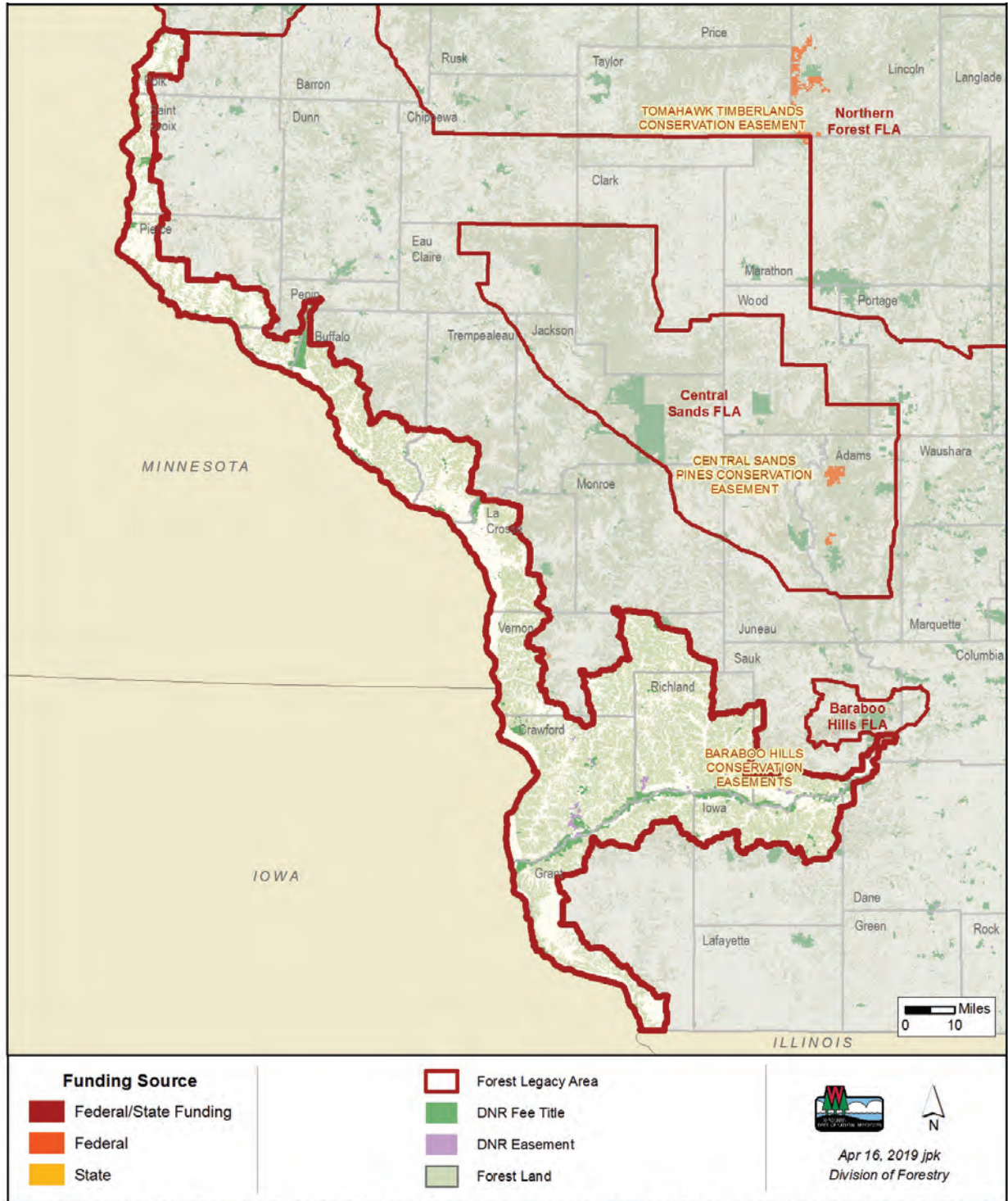
**Goals of the Central Sands FLA**

- Protect productive timber lands
- Protect large forest blocks from development and subdivision
- Create non-developed recreational opportunities
- Establish corridors and connection of forest where forest fragmentation is occurring
- Protect water quality

**Important Environmental Values of the Central Sands FLA**

- Large wetlands
- Remnants of pine and oak barrens
- Rare species, habitats or communities

## MAP 26: FOREST LEGACY PROGRAM CONSERVATION EASEMENTS – UPPER MISSISSIPPI RIVER DRIFTLESS CORRIDOR FLA



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**Map 26:** Forest Legacy Program Conservation Easements – Upper Mississippi River Driftless Corridor FLA

**Upper Mississippi River Driftless Area Corridor FLA  
(including all or part of the following counties)**

Grant, Iowa, Crawford, Sauk, Dane, Columbia, Richland, Vernon, La Crosse, Trempealeau, Buffalo, Pepin, Pierce, St. Croix, and Polk

**Goals of the Upper Mississippi River Driftless Area Corridor FLA**

- Protect important habitat and create environmental corridors for migratory birds
- Protect FLA's remaining productive forestland including floodplain forests
- Protect and improve state's oak resource
- Reduce forest fragmentation
- Protect and Improve water quality
- Protect historical and cultural resources
- Protect rare and endangered species and communities, including non-forest areas where appropriate
- Complete multi-state projects

**Important Environmental Values of the Upper Mississippi River Driftless Area FLA**

- Forest communities including: southern dry and southern dry mesic.
- Important habitat for migratory birds
- Extensive floodplain forests
- Unique geological landscapes
- Rare and endangered species and communities



## CONSERVATION EASEMENT ACQUISITION STANDARDS

The following standards will be considered by the Department when acquiring lands using federal Forest Legacy funds within established FLAs:

- Purchasing conservation easements is preferred to fee-title acquisition. However, in situations where a
- conservation easement is not appropriate or possible WPFAC may consider recommending fee-title acquisition.
- Acquire development rights on all tracts including limiting the rights to subdivide, construct buildings, control utility right-of-way locations, and development of permanent access roads.
- While not required, public access is preferred, except in cases where rare communities or species could be damaged by public access.
- All properties subject to a conservation easement will have a Forest Stewardship Plan, comprehensive, multi-resource management plan or management commitment prepared prior to the Department acquiring the property.
- All fee-title purchased properties will have a management plan that ensures the interests of the Forest Legacy Program. This plan will be rolled into the property's Master plan when created or updated.
- All forest management plans will identify and protect environmentally important values on the property and be approved by the State Forester (or designee).
- All properties subject to a conservation easement will be subject to the Departments easement monitoring policies which establish the parameters to be measured and frequency of monitoring.
- Any timber or forest products harvesting will be subject to an approved management plan and adhere to applicable notification procedures. Timber harvesting practices should be identified in the management plan in consultation with a professional forester and approved by the Department; practices shall not harm the conservation values protected by the easement or the purposes for which the land was entered into the Forest Legacy Program.
- Restrict the development of mining, drilling of mineral, sand, and gravel pits to sole use by the property owner for forestry uses, and to locations and sizes where such mining or drilling would not damage or impair water quality or other protected resource values. Upon landowner completion of operation, the land shall be reclaimed as much as practical to its original state. No commercial development will be allowed.
- No disposal of waste or hazardous material will be allowed on properties.
- Generally, prohibit improvements on the property including temporary or permanent residences, buildings, facilities, infrastructure or utilities, mobile homes, cell towers, signs, including advertising signs, billboards, or other advertising materials on the property (except for

general information or regulatory signs appropriate for management, trails, or prevention of trespass)

- Industrial, commercial and residential activities, except forestry and limited mining (as referenced above), are prohibited.
- Water quality best management practices (BMPs) will be applied to all practices initiated on the property.
- Property must be at least 75% forested as defined in the *Forest Legacy Program Implementation Guidelines*.

## SELECTING FOREST LEGACY PROJECTS

Forest Legacy projects refer to the actual property(ies) being considered for acquisition. Only lands situated within a designated FLA are eligible. Thus, all proposed tracts within the project situated within a FLA meet state and national eligibility criteria. The process for selecting FLP projects is further described as follows:

### Step 1: Request for Project Applications

A request for project applications may be released from the Department annually. Landowners interested in participating in the program must submit a completed application; applications may be requested by contacting the Forest Legacy Program Coordinator or by visiting the Department website.

### Step 2: Project Application Evaluation – Eligibility Requirements

Each project application submitted for consideration will be reviewed and evaluated by the Wisconsin Private Forestry Advisory Committee (WPFAC). All projects must meet the minimum eligibility requirements further described as follows:

- The project is situated within (whole or in part) a designated FLA
- The project has at least 75% forest cover (or can be reforested to at least 75% forest cover)
- The project can be managed consistent with the purpose for which it was acquired by FLP
- The landowner is willing to sell or donate the interest in perpetuity

### Step 3: Project Application Scoring

Each project application submitted for consideration and meeting minimum eligibility requirements will be prioritized according to the FLP National project scoring guidance. The national scoring guidance takes into consideration the core national criteria (Importance, Threatened & Strategic) =, project readiness, and other evaluation considerations used in the scoring process.

#### A. Scoring Element – Importance

- Public benefits are gained from the protection and management of the property, including environmental, economic and social values and resource attributes.
- High importance (21-30 points)

- The project contains a majority of the attributes and those attributes are very significant and of high-quality.
  - Medium (11-20 points)
  - The project contains a majority of attributes, several of which are very significant and of high-quality.
  - Low (0-10 points)
  - The project contains only a few attributes, or it could contain all of them, but does so in a limited, marginal, or tertiary way.
- Public Access
    - Protection of the property will maintain or establish access to the public for recreation
  - Scenic
    - The property is located within a viewshed of significant or designated state and/or federal scenic feature(s) or area(s).
  - Historic/Cultural/Tribal
    - The property features state and/or federal historical, cultural, and/or tribal significance

**Considerations:**

- Economic Benefits from Timber and Potential Forest Productivity
  - Landowner demonstrates sustainable forest management in accordance with a management plan.
  - Land is third-party certified (SFI, FSC, ATFS)
  - Forest management contributes to the resource-based economy for a community or region
  - Property characteristics present that sustain a productive forest
- Economic Benefits from Non-timber Products
  - Local / regional economic contributions 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.)
- Threatened or Endangered Species Habitat
  - Documented threatened or endangered plants and animals or designated habitat exist on the property.
- Fish, Wildlife, Plants, and Unique Forest Communities
  - Unique forest communities and/or important fish or wildlife habitat exist on the property and are identified in a formal assessment, wildlife conservation plan or strategy developed by a government or a non-governmental organization or other partnering organization.
- Water Supply, Aquatic Habitat, and Watershed Protection
  - There is a direct relationship to the protection of the water supply or watershed (e.g. water supply buffers, aquifer recharge area, or protecting an ecologically important aquatic)
  - Important riparian area, wetlands, shorelines, river systems, or sensitive watershed lands exist on the property. Consider the importance of the resource and the scope and scale of the property and the benefits that will result from protection of the property.

**B. Scoring Element – Threatened**

Conversion to non-forest uses is imminent or likely and will result in a loss of forest values and public benefits

- Likely (11-20 points)
- Multiple conditions exist that make conversion to non-forest uses likely
- Possible (1-10 points)
- A few conditions exist that make conversion to non-forest uses possible
- Unlikely (0 points)
- Current conditions exist that make conversion to non-forest uses unlikely

**Considerations:**

- Lack of Protection (temporary or permanent protections)
  - Examples include current zoning, temporary or permanent easements, moratoriums, and encumbrances that limit subdivision or conversion that currently exist on the property and the likelihood of the threat of conversion
- Land and Landowners Circumstances
- Land and landowner circumstances include – but are not limited to – the following:
  - property held in an estate
  - aging landowner
  - future ownership 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
- Adjacent Land Use
  - Examples include existing land status, rate of growth and development, conversion to non-forest use, change in population growth (percent change), rate of change in ownership, etc.

- Ability to Develop
  - Physical attributes of the property that facilitate conversion to non-forest uses such as access, buildable ground, zoning regulations, slope, utilities, etc.

**C. Scoring Element – Strategic**

The project contributes to larger conservation plans, strategies, and initiatives, complements existing federal, state or county land and other protected areas; the project enhances or is proximate to previous conservation investments.

- High (21-30 points)
  - The property significantly advances a conservation initiative, strategy or plan and complements surrounding protected lands.
- Medium (11-20 points)
  - The property makes a modest contribution to a conservation initiative, strategy or plan and is near already protected lands.
- Low (0-10 points)
  - The property is not part of a conservation initiative, strategy or plan or near already protected lands, but will lead to locally-focused conservation effort.

**Considerations:**

- Conservation Initiative, Strategy, or Plan
  - The property fits within a larger conservation plan, strategy, or initiative.
- Complement Protected Lands
  - Strategic link that enhances protected lands including past FLP projects, protected federal, state, or non-governmental organization lands, or other federal land protection programs (NRCS, NOAA, etc.).

**D. Scoring Element – Project Readiness (Maximum of 20 points)**

- Project readiness describes the level of support for the project and progress toward completing necessary due diligence activities.
  - A cost estimate, market analysis or preliminary appraisal has been completed.
  - There is general agreement between the landowner and WDNR regarding the terms and conditions of the conservation easement.
  - Cost-share commitment has been obtained from a specified source.
  - A signed option or purchase and sales agreement is in place
  - Conservation easement or fee title is held by a third-party.
  - Title search is completed, including identifying any temporary or permanent protections.
  - Minerals determination is completed.
  - A stewardship plan or multi-resource management plan is completed.

**Step 4: Project Recommendation**

WPFAC will evaluate and prioritize project applications based on established scoring criteria noted above, along with additional supporting information that may be available to the Committee. The scoring process will generate a prioritized FLP project list that WPFAC will use as a basis for recommending which project(s) will be forwarded to the Chief State Forester. The Chief State Forester will make the final determination for which project(s) may be forwarded to the U.S. Forest Service for national ranking and prioritization.

