

## A Guide to the Long Island Sound Watershed Regional Conservation Partnership Program Healthy Forests Reserve Program for 2016

*Mission: The Healthy Forests Reserve Program (HFRP) helps landowners restore, enhance and protect forestland resources on private lands through easements and financial assistance. HFRP aids the recovery of endangered and threatened species under the Endangered Species Act, improves plant and animal biodiversity, and enhances carbon sequestration.*

The following are details for the HFRP, in the order they are to be completed.

### Step 1: Provide landowner with information on the program

- Provide applicant with sample copies of – HFRP Easement Deed ([NRCS-CPA-260](#)), Option to Purchase ([Form AD-1157](#)) and Subordination Agreement ([Form AD-1158](#))
- Advise landowner to contact their local [FSA Service Center](#) to obtain Farm and Tract numbers
- Land must be privately owned or acreage owned by Tribal Government.

### Step 2: Landowner submits application

Provide landowner with a list of items which must be provided in order for the application to move forward. Landowner must submit the following:

- HFRP Conservation Program Application ([CPA-1200](#))
- Long Island Sound Watershed (LISW) [Pre-Screening Application](#)
- [DUNS #](#) and [SAM Registration](#) if an entity (such as an LLC or Trust)
- Copy of the ownership deed and map;
- FSA maps showing total ownership of all lands (tract and farm #) owned or operated by applicant
- Documented access to the easement area.

**Note: Unlike other NRCS programs, the adjusted gross income, highly erodible land, and wetland conservation provisions are not part of the landowner eligibility requirements for HFRP.**

- Determine if parcel is eligible for enrollment in conjunction with [U.S. Fish and Wildlife Service](#) (FWS) or with the [National Marine Fisheries Service](#) (NMFS). Land will be considered eligible for enrollment in HFRP if NRCS determines at least one of the following applies:

- Such private land is capable of supporting habitat for a selected species under [Section 4 of the Endangered Species Act](#) (ESA)
- Such private land is capable of supporting habitat for a selected species that is not listed under [Section 4 of the ESA](#), but is a candidate for listing, or a selected species is a state-listed species, or a species listed by the Chief of NRCS for special consideration for funding.
- NRCS may enroll land adjacent to eligible land if the enrollment of such land would contribute significantly to the practical administration of the easement.

**Determine landowner and parcel eligibility and obligate funds for preliminary title and hazardous materials search.**

- Landowner provides the necessary information for NRCS to determine if the landowner is eligible to participate. If an entity, the entity must provide:
  - Proof that entity is a legal and valid entity in the State, usually a certificate of good standing from the Secretary of State.
  - Documents indicating who has the authority to sign contractual arrangements for the entity. ( Power of Attorney, Trustee Appointments)
  - Legal entities are required to submit Member’s Information Form ([CCC-901](#)) which may be obtained at the landowners’ [local FSA office](#).
- Conduct a field assessment of the proposed easement area, including the hazardous substance examination checklist. **NRCS/FWS/Partner**
- Develop a Preliminary Restoration Plan.
  - Eligible restoration practices and measures may include land management, vegetative, and structural practices and measures that will restore and enhance habitat conditions for listed species, candidate, state-listed, and other species identified by the Chief of NRCS for special funding consideration. **NRCS/FWS**

**Note: If the landowner or parcel is found ineligible, STOP. Notify entity of landowner of ineligibility within 30 days.**

- Once it is determined the landowner and land is eligible for enrollment, the application will be ranked.

**Step 3:**  
*Complete ranking*

Rank the parcel using the HFRP Ranking Tool. Priority is given to those applications that rank highest. **NRCS**

**Step 4:**  
*Make tentative funding selections; provide selected applicants with a letter of tentative acceptance*

A letter of tentative selection will be provided to each selected application. The letter will indicate that this tentative selection does not bind NRCS or the United States to enroll the proposed project in the HFRP, nor does it bind the landowner to continue with enrollment in the program. It allows NRCS to determine if a landowner remains interested before any additional funds and time are expended. **NRCS in consultation with the Partner**

**Step 5:**  
*Provide unfunded, eligible applicants with a deferral letter*

All eligible applicants not selected for funding will be deferred. It is possible – depending on the acceptance rate of selected applicants – that some of these could be selected for Funding at a later date. **NRCS**

**Step 6:**  
*Procure appraisal, All Appropriate Inquiry (AAI), & preliminary title search on selected parcels. Conduct preliminary title search, hazardous materials search, and NEPA evaluation.*

- Conduct a preliminary title search to identify any title issues that could potentially delay or prevent closing the easement. (Due Diligence) **Partner**
- Conduct a hazardous materials search to identify any potential hazardous substance issues that may exist which could potentially delay or prevent closing the easement. (Due Diligence) **Partner**
- Conduct a preliminary NEPA ([CPA-52](#)) evaluation document. **NRCS**
- Order an Appraisal, if the landowner agreed to continue and no problems were discovered during the preliminary title search and due diligence. **Partner**

**Note: All appraisals, hazardous materials, preliminary title, and title must be performed to NRCS specifications. All appraisals must undergo an appraisal technical review before NRCS reimbursement.**

**Step 7:**  
*Offer of Enrollment.  
Provide Option  
Agreement to  
Purchase and the  
Long Term  
Agreement to  
landowner.*

- The Option Agreement to Purchase (OATP) ([AD-1157](#)) and a cover letter are sent via certified mail with return receipt requested, to the landowner. The cover letter must clearly state the application has been selected for enrollment and that NRCS is making an offer to purchase the easement at the compensation rate indicated on the OATP; and describe the easement area, the terms of the agreement, and other terms and conditions of the agreement. The landowner has 15 days to sign and return the Long Term Agreement ([AD-1154](#)) to the appropriate NRCS office.
- Once the Form AD -1157 is returned and signed by the NRCS State Conservationist (STC), the property is considered enrolled in HFRP and funds are obligated for easement acquisition only.
- The OATP has an effective period of 6 to 12 months from the date it is signed by the STC. **NRCS**

**Step 8:**  
*Procure legal  
boundary survey and  
baseline property  
inventory report.*

A legal boundary survey must be secured on all easements. Funds are obligated for this activity directly to the agreement used to procure the services, not to the individual easement.

- Provide the surveyor with the following information:
  - National scope of services that includes requiring a digital copy of the survey that can be directly uploaded to the national shape file.
  - Map of the easement area.
  - Title and other ownership information. **Partner/NRCS**
- Conduct an onsite visit with the landowner and surveyor to ensure the proper area proposed for enrollment is identified for the surveyor. **NRCS/Partner**
- When the survey is completed, NRCS will review it to ensure accuracy and acceptability. **NRCS**
- Obtain landowner's signature on the Option Agreement to Purchase Amendment 1 ([AD-1157A](#)) to reflect the official enrollment acreage indicated by the official boundary survey. **NRCS**
- Upon completion of the boundary survey, a *baseline property inventory report* must be completed. This report verifies the characteristics, current use, and status of improvements on the property at the date of the agreement are recorded to ensure any future changes in the use of the property are consistent with the terms of the easement. **Partner/NRCS**

**Step 9:**  
*Draft final restoration plan; obtain signatures.*

Draft the final restoration plan and obtain the landowner(s') and appropriate NRCS District Conservationist signature(s). **NRCS in consultation with the FWS (may use contractors)**

**Step 10:**  
*Complete easement acquisition.*

- Obtain title commitment. **Partner**
- Review title commitment. **Partner/NRCS**
- Prepare Certificate of Use and Consent ([LTP-23](#)). **NRCS**
- Provide closing instructions to closing agent. **NRCS**
- Obtain preliminary title opinion from the Office of the General Counsel (OGC), sending any information required by local OGC attorney advisor, including: **NRCS**
  - Statement certifying landowner eligibility
  - Unexecuted Conservation Easement Deed ([CPA-260](#))
  - Unexecuted Subordination Agreement and Lien Waivers ([AD-1158](#)), if appropriate
  - Copy of the boundary survey
  - Map of easement area and ingress-egress route
  - Preliminary Certificate of Inspection and Possession ([LTP-27](#))
  - Certificate of Use and Consent ([LTP-23](#))
  - Title commitment binder
  - Agreement for the purchase of a conservation easement ([LTP-70](#))
- NRCS and partner funds must be provided to the closing agent no later than 7 days prior to closing. **NRCS/Partner**
- Conduct easement closing. **NRCS/Partner/Landowner**
  - NRCS STC (or assigned) signs the deed to accept the easement.
  - NRCS completes the Final Certificate of Inspection and Possession ([LTP-22](#)).
- Secure the final title opinion from OGC. **NRCS**

**Step 11:**  
*Implement Restoration Plan with landowner.*

- NRCS financial assistance may be available for this activity through the Healthy Forest Reserve Program (HFRP)
- NRCS financial assistance may be available for this activity under the Environmental Quality Incentive Program (EQIP) **NRCS**

**Step 12:**  
*Monitor easement  
area annually.*

- The easement area will be monitored **annually** using the HFRP monitoring worksheet. A site visit will be conducted once every **three** years and remote sensing process will be used for two of the three years. At a minimum, the monitoring process and documentation must include: **NRCS**
  - Whether the installed practices are operating as planned
  - Whether maintenance activities are adequate to keep the installed practices effective
  - Whether restoration requirements have been met
  - Whether the site provides quality wildlife habitat for priority species
  - Taking photographs at predetermined photo points – maintain these photos in the file
  - Documentation of other conservation practices, measures, or activities that need to occur to improve the site for wildlife habitat or to ensure protection of wetland functions and values, including an estimate of the cost of the necessary items
  - Verification of current ownership
  - Confirmation of boundary markings
  - Compliance with compatible-use authorizations
  - The condition of the easement as stewardship land
  - Ensuring all other easement, contract, or agreement conditions are being met