

FACT SHEET

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Timber & Timber Harvesting in West Virginia

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The Forest Legacy Program

Senator Patrick Leahy (VT), in the 1990 Congressional Farm Bill, directed that the USDA establish forest legacy programs in the states of New York, New Hampshire, Vermont, Maine and Washington. The bill also provided that other states could enter the program if an assessment of needs (AON) showed that there was a need to prevent environmentally important private forest lands from being converted to non-traditional uses.

State participation is voluntary. Each state before applying prepares an AON or forest conservation plan that identifies or nominates proposed forest legacy areas (FLA) with reasons for so doing. In April, 2001 Governor Bob Wise designated the West Virginia Division of Forestry (DOF) as the lead agency for the program. Consequently, the DOF is responsible for preparing the AON and for providing for public participation followed by USDA Forest Service approval. The DOF is proceeding through the West Virginia Forest Stewardship Committee (FSC) and is currently asking for bids for a study to ascertain if the forest legacy program to preserve and/or restore traditional forest values has merit and feasibility in West Virginia.

Once a FLA is approved for a cooperating State by the USFS, a conservation easement can be purchased from willing landowners at fair market value. Properties only need to be within a FLA as defined by the State's AON and contain less than 10% open space. Congress, through the USFS, provides 75 % of the cost with the other 25% being supplied by nonprofit organizations, the State or individual donations. The landowner can also donate the 25%. The total cost can also come from other than Congress. The USFS has to hold all forest easement titles purchased with federal funds although it may delegate administration and monitoring of the program to the appropriate State agency.

A conservation easement provides for the transfer of some property rights, such as the right to develop the property, while allowing the owner to retain the property and to manage it in any way allowed by the terms of the easement sold. Timber harvesting, for example, will be permitted if that fits into the purposes under which the FLA was established. Cooperating landowners have to follow a forest management plan prepared for their property and approved prior to transfer of the easement.

Once an AON with FLA's is provided and approved for a State, maps are printed and distributed along with a Forest Legacy application and instructions for completing it according to the specified criteria.

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