

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
ALABAMA FORESTRY COMMISSION
AND THE
ALABAMA ASSOCIATION OF CONSERVATION DISTRICTS
AND THE
ALABAMA SOIL AND WATER CONSERVATION COMMITTEE
AND THE
UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

This Memorandum of Understanding (MOU) is made and entered into by and between the Alabama Forestry Commission (AFC); the–Alabama Association of Conservation Districts (AACD); the Alabama Soil and Water Conservation Committee; and the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) in Alabama.

I. PURPOSE

The purpose of this MOU is to strengthen cooperation among the Parties that will result in coordinated interagency delivery of forestry-related conservation assistance to private landowners in order to sustain the health, diversity, and productivity of Alabama’s private working lands – forestland, cropland, pasture, and rangeland. The Parties have a long-term commitment to the conservation and stewardship of the Alabama’s natural resources that will endure beyond the life of this MOU.

The Parties polled their organizations and identified the following five barriers, hereinafter referred to as “the Barriers,” to the delivery of forestry-related conservation assistance:

- 1. The availability of technical expertise and assistance to private non-industrial forest landowners is insufficient to meet the need;**
- 2. The lack of integration of planning and other administrative issues between the Parties, making it difficult for private landowners to participate in forestry and conservation programs;**
- 3. Funding devoted to forestry and agroforestry is inadequate and inconsistent;**
- 4. The Parties speak different technical/organizational languages, which suggest a need for improved communication; and**
- 5. Forestry is not a priority for many State Technical Committees.**

The Parties are committed to address and resolve the Barriers through both joint and separate actions.

II. BACKGROUND

Importance of Private Forestlands to the Alabama's Welfare

The Parties recognize that healthy forests are a critical component of Alabama's landscape. Forestlands, as well as trees and forests on other working lands, provide clean air, carbon sequestration; flood protection; wildlife habitat; recreation and aesthetic enjoyment. Healthy forests are also vital to clean and abundant supplies of water. Water quantity and quality are threatened by population, and land use. Wildfires, insect and disease outbreaks, and invasive species also affect the ability of forests to store and filter the water we drink. Forests and forest products also provide economic, energy, and other benefits. The Parties recognize that privately owned forests make up a substantial share of the forest resource base and that these forests are increasingly being divided into smaller ownership parcels.

The Parties further recognize that Alabama's forest resources are threatened and do not provide the full range of benefits they are capable of providing. Some of the risks to our forests include¹:

- **Development pressures.** Economic returns from commercial forestry are often insufficient, and, as a result, landowners are increasingly pressured to convert their forestland to other uses. While total forest area has remained relatively stable for the past century, many acres of forest have been lost to development but have generally been balanced by gains, mainly from abandoned pasture.
- **Landscape fragmentation.** Fragmentation of landscapes and changes in land use will continue to stress forest health.
- **Increasing wildfires.** The area burned by wildfire in 2005 was the largest in the last 45 years (all lands). This threat is expected to continue due to overly dense forests, increases in insect and disease susceptibility and mortality, a resulting build up of fuels, and climate change.
- **Increased invasive species damage.** The spread of invasive insects, diseases, and plants is expected to continue as a result of travel and trade associated with globalization of the world economy.
- **Trends toward smaller forest parcels and more owners.**
 - Seventy-nine percent of Alabama's forests are in private ownership (17.8 million acres) with an average tract size of less than 60-acres.
 - 440 thousand family forest owners account for 79% of the States 22.6 million acres of forestland (2007).
 - The reasons why people own forestland are diverse, and may include aesthetic enjoyment, or passing their land on to heirs as part of a farm or home site.

¹ From *Interim Update of the 2000 Renewable Resources Planning Act Assessment*, FS-874, April 2007; and Butler, B.J.; Leatherberry, E.C. 2004. America's family forest owners. *Journal of Forestry*. Oct/Nov: 4-14.

Collaborating to Meet Customer Needs

The Parties recognize that the owners of all nonindustrial private forestland (NIPF) are key customers for our programs/activities. Increased coordination and collaboration is essential so that we can provide assistance to a changing customer/owner base.

On the increasing number of smaller forestland parcels, as well as on parcels that intentionally integrate trees and/or shrubs into crop and animal production systems, it is critical that landowners are able to obtain information and assistance about implementing conservation practices that will maximize natural resource benefits and address concerns on their forestland.

The Parties believe that a strong partnership among them will make it possible to be more effective in assisting NIPF landowners, thereby increasing natural resource benefits from working lands. The Parties also recognize that strong citizen participation, as well as stakeholder-based partnerships operating at the local, State, regional, and other geographic scales are fundamental to successful conservation of natural resources.

Each Party delivers to private landowners and land managers technical and financial assistance through their various conservation programs and activities. Increased coordination and collaboration can result in synergistic effects that enable broader success in achieving conservation goals. The mission, types of assistance provided, and processes for each Party are summarized in the Appendix.

III. ROLES AND RESPONSIBILITIES

This MOU commits the Parties to increase cooperation at the local and state level to ensure coordinated interagency delivery of forestry-related conservation assistance to private landowners and land managers. The actions taken under this MOU are expected to enable the Parties to accomplish their individual and collective conservation goals and missions more effectively.

The Parties recognize the unique and complementary role that each Party brings to the partnership:

- The Alabama Forestry Commission has the primary leadership role and responsibility for delivery of forestry programs on State and private lands.
- The Soil and Water Conservation Committee has the responsibility to offer assistance, coordinate programs, facilitate exchange of ideas, secure the cooperation of agencies and disseminate information.
- Conservation districts carry out natural resource management at the local level and act as a liaison between private landowners and government assistance programs.

- The Natural Resources Conservation Service is a source of interdisciplinary expertise for forestry and natural resource conservation.
- Private landowners voluntarily request assistance from the signatories and are the decision makers for their land.

The Parties will work to address the Barriers through the following joint and individual organization actions:

A. Jointly, the AFC, AACD, ASWCC, and NRCS in Alabama will, as appropriate:

Planning/Processes

1. Charter an interagency team to:
 - Review requirements/standards/procedures for NRCS Conservation Plans and Forest Stewardship Plans; and
 - Make recommendations to integrate plans/processes to facilitate landowner access to forestry-related technical and financial assistance.

Partnerships/Information Sharing

2. Partners are encouraged to undertake an analysis that identifies the relative importance of forest, agriculture, wildlife, and other related natural resource conservation issues relevant to the partners' responsibilities, and to use this analysis as the basis for establishing priorities for agency activities and funding.
3. Promote the delivery of timely, coordinated interagency forestry and agroforestry assistance to landowners through actions such as co-location of agency staff at field and State offices, jointly funded positions, increased use of Technical Service Providers (TSPs) and technology, and related actions that increase assistance for working lands.
4. Share information regarding priorities for conservation of private forestlands and other working lands that could benefit from the application of agroforestry practices.
5. Coordinate to ensure each Party's conservation programs are complementary and are not inadvertently in conflict.
6. Share updated information regarding conservation policies, programs, voluntary conservation agreements, and procedures related to providing forestry assistance to private landowners and land managers. This can be done through communication at State Technical Committee meetings, joint training programs, or other means.
7. Coordinate forest resource information and data to assist in focusing resources (e.g., priority watersheds/landscapes) for developing and implementing conservation agreements or strategies, plans, or other programs and projects.

8. Collaborate with other appropriate entities to facilitate development and implementation of conservation plans and agreements on forestlands, and to promote agroforestry on other working lands.
9. Work with the American Tree Farm System and others to coordinate multiple-use management plans for NIPF owners in order to meet landowner needs and the requirements of the agencies, including eligibility for financial assistance to implement practices prescribed in management plans.
10. Collaboratively identify research studies needed to support sustainable management of working lands and utilize the science to improve conservation programs and activities.

Employee Training/Education

11. Invest training in employees that provides them tools to deliver conservation assistance to an increasing number of family forest owners in a changing landscape.
12. Collaborate to deliver agroforestry training for natural resource professionals and develop technical information to support technical assistance to private landowners.
13. Provide training to educate each other about our respective organizations and processes.

Environmental Services Markets

14. Cooperate on market-based environmental stewardship approaches, certification processes, and the establishment of technical guidelines that facilitate the participation of private landowners in emerging environmental services markets (as per Section 2709 of the Food, Conservation, and Energy Act of 2008).

MOU Implementation

15. Encourage the development of MOUs, TSP agreements, and other types of partnerships at the local level to facilitate implementation of this MOU.
16. Encourage parties at the State level to jointly pursue innovative pilot projects/demonstration areas and share and publicize success stories consistent with the objectives of this MOU.
17. Monitor and report on implementation of this MOU until the Barriers have been addressed to the satisfaction of the Parties. The agency contacts (as identified in VI, below), or their designees, will meet at least annually to review performance under this MOU, and provide recommendations as appropriate.

B. Alabama Forestry Commission will:

Planning/Processes

1. Consider and take appropriate action on recommendations from the Parties to integrate NRCS conservation plans/processes with Forest Stewardship and Tree Farm plans/processes to facilitate landowner participation in forestry-related technical and financial assistance programs.

Partnerships/Information Sharing

2. Invite and encourage NRCS and conservation districts to be involved on State Forest Stewardship Coordinating Committees (SFSCC) and associated subcommittees. Appoint a State Technical Committee representative to the SFSCC (as per Section 8006 of the Food, Conservation, and Energy Act of 2008).
3. Actively participate on the NRCS State Technical Committee.
4. Through State Technical Committee meetings and other venues, provide information about State-administered programs that can assist in planning and implementing forestry-related conservation practices in priority watersheds/landscapes identified by NRCS and other cooperators.
5. When appropriate, invite NRCS and state conservation districts to participate in state meetings and conservation initiatives.
6. Coordinate with State Technical Committees, SWCC, NRCS, and AACD conservation districts in the development and updating of State-wide Assessments and Strategies for Forest Resources (as per Section 8002 of the Food, Conservation, and Energy Act of 2008).
7. Provide forestland and resource information to NRCS (e.g., forest inventory, forest health risk and condition, fire regime/condition class) to support Rapid Watershed Assessments.
8. Request that State Conservationists utilize Statewide Assessments and Strategies for Forest Resources in the development of program ranking processes.
9. Inform NRCS and conservation district employees about State-administered forestry and conservation programs through training and education.
10. Foster and guide the development and implementation of MOU documents between AFC, NRCS, State soil and water conservation agencies and individual conservation districts.

Employee Training/Education

11. Encourage State forestry agency employees to increase their knowledge of NRCS conservation programs through training and education.
12. Provide forestry-related training and education to NRCS and conservation district employees.

C. AACD and SWCC will, as appropriate, encourage conservation districts to:

Partnerships/Information Sharing

1. Consistent with the leadership role of State forestry agencies articulated in Section III, cooperate and coordinate with State forestry agencies in the delivery of forestry assistance to private landowners.
2. When appropriate, invite NRCS and AFC to participate in their regional and national meetings and conservation initiatives and encourage State associations to invite the Parties to State meetings.
3. Cooperate with NRCS and AFC in the identification of forestry needs and agroforestry assistance on private lands, and participate in the delivery of this assistance.
4. Collaborate with the State associations and the Parties in landscape or watershed scale planning and implementation, providing a locally led component for these activities.
5. Provide opportunities for the Parties to interact with AACD leadership, Natural Resources Foundation Committee, and the Forest Resources Policy Group.
6. Provide the Parties with contacts for landowners/managers whose participation in conservation planning has identified the need for technical or financial assistance.

Employee Training/Education

7. Encourage conservation district employees to increase their knowledge of AFC programs through training and education.

D. NRCS will:

Strategic

1. Incorporate in its national Strategic Plan an increased emphasis on providing forestry assistance to NIPF landowners to help them address resource concerns and increase the emphasis on applying agroforestry on working agricultural lands.

Funding/Resources

2. Encourage State Conservationists to collaborate with SWCC, AACD, State forestry agencies and conservation districts to allocate appropriate resources to address resource concerns on NIPF land and to help meet landowner needs for technical and financial assistance in forestry and agroforestry.

Planning/Processes

3. Consider and take appropriate action on recommendations from the Parties to integrate NRCS conservation plans/processes with Forest Stewardship plans/processes to facilitate landowner participation in forestry-related technical and financial assistance programs.
4. Incorporate NIPF land and resource information into its Rapid Watershed Assessments, as appropriate.

Partnerships/Information Sharing

5. Consistent with the leadership role of State forestry agencies articulated in Section III, cooperate and coordinate with State forestry agencies in the delivery of forestry assistance to private landowners.
6. Invite and encourage State forestry agencies, conservation districts and to be involved on State Technical Committees and associated subcommittees, as well as local working groups, to provide expertise in forestry and agroforestry relative to program priorities, ranking processes, and practice standards. As per Section 1261 of the Food, Conservation, and Energy Act of 2008, ensures that each State Technical Committee includes representatives from the State Forester or equivalent State official, and the State association of conservation districts.
7. Invite NASF/State forestry agencies, and AACD// SWCC to participate in appropriate State, Regional and national meetings and conservation initiatives.
8. Utilize State-wide Assessments and Strategies for Forest Resources in determining state priorities for providing technical and financial assistance.
9. Provide information about NRCS conservation programs that can assist in planning and implementing forestry-related conservation practices in priority landscapes/watersheds identified by their State forestry agency and other cooperators through State Technical Committee meetings and other venues.

10. Jointly produce and promote agroforestry technology, training, and educational resources in cooperation with FS.
11. Engage Plant Materials Centers with FS, State forestry nurseries, and conservation districts on native plant propagation, gene conservation, and other areas of common interest to improve coordination and share expertise.

Environmental Services Markets

12. Cooperate with the Parties, as well as with other Tribal, State, local government and nongovernmental organizations, in:
 - Establishing a role for agriculture and forestry in providing environmental offsets and enhancements; and
 - Developing technical guidelines, accounting practices, and procedures for quantifying environmental goods and services (as per USDA Departmental Regulation 5600-003 and Section 1245 of the Food, Conservation, and Energy Act of 2008).

Employee Training/Education

13. Encourage NRCS employees to increase their knowledge of FS and State forestry agency programs through training and education.
14. Provide training and education to State forestry agency and conservation district employees about NRCS conservation programs.
15. Provide forestry-related training and education to NRCS and conservation district employees.

IV. GENERAL PROVISIONS

- A. This MOU takes effect upon the signatures of the Parties and remains in effect for Five years from the date of execution. In the event of termination by one of the parties, the other parties may initiate a new MOU between them.
- B. This MOU is not intended to, and does not create any right, benefit, or trust, responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.
- C. This MOU does not affect or modify existing regulations or agency responsibilities and authorities. It specifically does not commit any agency to activities beyond the scope of its mission and authorities under its organic statutes.
- D. AFC, AACD, ASWCC, NRCS and their respective officers will handle their own activities and utilize their own resources, including expenditures of their own funds, in pursuing the purposes of this MOU. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

- E. Nothing in this MOU shall obligate AFC, AACD, ASWCC or NRCS to expend or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Parties will require execution of separate agreements, and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.
- E. Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U. S. C. 552).
- F. All activities and programs, conducted under this MOU shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes: namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. They will also be in accordance with regulations of the Secretary of Agriculture (7 C. F. R. 15, Subparts A & B), which provide that no person in the United States shall on the grounds of race, color, national origin, age, sex, religion, martial status, or handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from USDA or any agency thereof.
- G. All activities conducted under this MOU shall be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

V. DEFINITIONS

Working Lands – Privately owned forestland, cropland, pasture, and rangeland.

Nonindustrial Private Forestlands – Rural lands that:

- a. Have existing tree cover or are suitable for growing trees; and
- b. Are owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity so long as the individual, group, association, corporation, tribe, or entity has definitive decision - making authority over the lands. Corporations whose stocks are publicly traded or owners principally engaged in the primary processing of raw wood products are excluded.

VI. AGENCY/ORGANIZATION CONTACTS

AFC: State Forester
AACD: President
ASWCC: Director
NRCS: State Conservationist

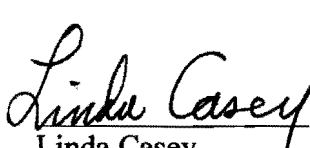
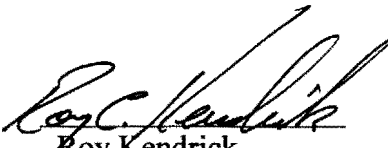
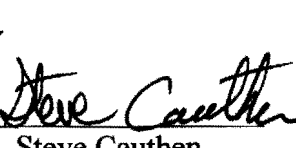
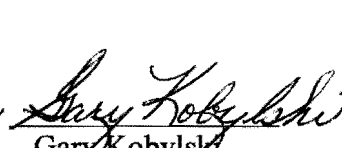
VII. AUTHORITIES

This MOU is entered into in accordance with the following laws, organization policy, and Executive Order:

1. The Department of Agriculture Reorganization Act of 1994, Public Law 103-354, 7 U.S.C. 6901-7014;
2. Secretary's Memorandum 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994;
3. Cooperative Forestry Assistance Act of 1978, Public Law 95-313, 16 U.S.C. 2101-2114 (As Amended Through P.L. 171-108, June 16, 2002 and P.L. 110-246, June 18, 2008);
4. Soil Conservation and Domestic Allotment Act, Public Law 74-46, 16 U.S.C. 590a-f; Soil and Water Resources Conservation Act of 1977, Public Law 95-192, 16 U.S.C. 2001-2009;
5. NASF By-Laws and Constitution;
6. NACD By-Laws;
7. Facilitation of Cooperative Conservation, Presidential Executive Order 13352 of August 26, 2004;
8. USDA Department Regulation, 5600-003, USDA Roles in Market-Based Environmental Stewardship, dated December 20, 2006.
9. Food, Conservation, and Energy Act of 2008.

VIII. APPROVAL

The undersigned parties hereby agree to the terms and conditions specified above.

			
Linda Casey State Forester Alabama Forestry Commission	Roy Kendrick President Alabama Association of Conservation Districts	Steve Cauthen Director Alabama Soil and Water Conservation Committee	Gary Kobylski State Conservationist Natural Resources Conservation Service

<u>3-11-09</u>	<u>3/11/09</u>	<u>3/11/09</u>	<u>3-11-09</u>
Date	Date	Date	Date

Appendix – Additional Background

A. AFC

Through public-private partnerships, Alabama Forestry Commission (AFC) seeks to discuss, develop, sponsor, and promote programs and activities which will advance the practice of sustainable forestry, the conservation and protection of forestlands and associated resources and the establishment and protection of forests in the urban environment.

The AFC is responsible for administering a wide range of programs which ensure the protection, health, and sustainability of forests in communities and on State and private lands. As discussed above, the AFC cooperates with Forest Service to deliver State and Private Forestry programs and with NRCS to deliver forestry assistance to private landowners. The AFC is the primary source for forestry assistance, and fund programs that provide technical and/or cost-share assistance to private landowners for forestry and agroforestry practices.

The AFC is required to establish a State Forest Stewardship Coordinating Committee for consultation on key program and project actions that are necessary to deliver Cooperative Forestry programs. Additionally, the Commission is responsible for comprehensive forest resource planning within Alabama. These plans are developed with input from partners and the public.

B. AACD

AACD is the nonprofit organization that represents Alabama's 67 conservation districts and the 335 men and women who serve on their governing boards. Conservation districts are local units of government established under State law to carry out natural resource management at the local level, and act as the liaison between private landowner/managers and government assistance programs. Districts work with millions of cooperating landowners and operators to help them manage and protect land, water, and air resources on working landscapes, both on private lands and in partnership with public lands managers throughout Alabama.

The association was founded on the philosophy that conservation decisions are best initiated at the local level, utilizing technical and financial assistance from Federal, State and local governments and the private sector. As a State voice for conservation districts, AACD encourages and supports voluntary, incentive-driven natural resource conservation.

Conservation districts are often the first place landowners go for assistance with practices on their land. The districts are able to offer, or point the way to, the whole array of conservation services available from federal, state and local governments and private sources. These range from forestry to soil conservation, wildlife habitat to clean water or simply making working lands esthetically pleasing or more profitable. Districts initiate or participate in collaborative processes with a wide variety of interested parties and stakeholders in their efforts to serve as a locally based delivery system for natural resources conservation and management.

B. SWCC

The Alabama Soil and Water Conservation Committee is the parent State Agency for the 67 Soil and Water Conservation Districts, subunits of state government. It provides soil and water resource information, education, technical, financial and planning assistance, and program oversight to the 67 Soil and Water Conservation Districts.

C. NRCS

NRCS provides technical and financial assistance to private landowners and land managers who voluntarily agree to apply conservation practices on their land for conservation and improvement of natural resources.

NRCS has this long-term combined objective for grazing and forestland in its national strategic plan (2005-2010): “By 2010, farmers, ranchers, and private non-industrial forest landowners will apply management that will maintain or improve long-term vegetative condition on 150 million acres of grazing and forestland.”

NRCS provides technical assistance in planning and applying agroforestry and forestry practices on private lands. NRCS conservationists and foresters in field offices provide direct technical assistance in five agroforestry practices: windbreaks/shelterbelts, riparian forest buffers, alley cropping, silvopasture, and multi-story cropping. Depending on the NRCS field office staff expertise, conservation planning and application assistance is also provided to landowners on their forestland including tree/shrub establishment, tree/shrub site preparation, forest stand improvement, fuelbreak, and several other practices.

Since 1995, NRCS has cooperated with the Forest Service to support the National Agroforestry Center (NAC) in Lincoln, Nebraska. NAC accelerates the application of agroforestry through a national network of partners by conducting research and training, developing technologies and tools, and supporting demonstrations. NRCS also cooperates with the Forest Service and other federal agencies, through the Cooperative Soil Survey, to develop and support forestry and agroforestry soil and ecological interpretations.

NRCS field staff often work through partners – normally State forestry agencies and conservation districts – to provide technical assistance to private landowners for forestry activities on forestlands when the NRCS staff lack the expertise or time to provide such assistance. NRCS has agreements in some States where the State forestry agency serves as a technical service provider (TSP) for planning and implementing forestry practices on private land.

NRCS provides financial assistance to private landowners to implement forestry and agroforestry related practices through Farm Bill and discretionary conservation programs. Assistance is also provided for multi-year and permanent easements to conserve forestland to meet program goals. NRCS determines many of its priorities and ranking processes for conservation assistance (including forestry) at the State-level, through the State Technical Committee. The State Technical Committee and local work groups, play an important role in developing and providing recommendations to the NRCS State Conservationist regarding the implementation of NRCS conservation programs.

In 2005, NRCS began to promote agency-wide use of Rapid Watershed Assessments (RWAs). RWAs provide initial estimates of where conservation investments would best address the concerns of landowners, conservation districts, and other community organizations and stakeholders within a watershed. These assessments help landowners and local leaders set priorities and determine the best actions to achieve their goals. RWAs contain summaries of resource concerns and opportunities that are useful for a number of activities. RWAs can be used to identify agroforestry resource concerns and identify agroforestry related practices that could be used to address the resource concerns. RWAs provide information that can be used in a conservation district's annual and long - range plans or can be used to provide a foundation for watershed, area-wide, or site-specific planning.