

2024 LAND TRUST ALLIANCE

Advocacy Days

APRIL 15-18 | WASHINGTON D.C.

Topic: Forest Conservation Easement Program (H.R. 3424 / S. 2631)

Request: Co-sponsor FCEP legislation and include in Farm Bill conservation title, with mandatory funding

What is the Forest Conservation Easement Program? The Forest Conservation Easement Program (FCEP) is designed to keep forests as forests using conservation easements that purchase development rights from willing private landowners to prevent conversion to non-forest uses. Private forests in a conservation easement can remain privately owned, working and on tax rolls.

Why conserve private forests? Private forests sequester large amounts of carbon, filter nearly 30% of the nation's drinking water, provide habitat for 60% of at-risk species and support 2.5 million jobs, all while sustainably accounting for 90% of the nation's harvests for forest products. These forests face significant threats, mainly from conversion to housing and urban development. Once land is converted, it is highly unlikely it will ever revert to forestland.

How will FCEP work? As a forest-focused complement to the Agricultural Conservation Easement Program (ACEP) and a replacement that builds upon the existing Healthy Forests Reserve Program (HFRP), FCEP has two components: Forest Land Easements (FLE), which will allow eligible entities like land trusts to purchase working forest conservation easements, and Forest Reserve Easements (FRE), through which the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) will purchase easements directly from private and tribal landowners.

How is this different from other forest conservation programs? FCEP will fill a gap that's not currently being addressed by existing conservation easement programs. Most working forestlands are not eligible for ACEP, which plays a critical role in conserving agricultural lands, grasslands and wetlands. Additionally, no existing forest easement program allows land trusts, tribes and other NGOs to hold conservation easements. Specifically, the U.S. Forest Service's Forest Legacy Program provides funding for state agencies to acquire fee title and easements on lands within a state-designated "Forest Legacy Area." HFRP easements are federally held by NRCS, and the program has received inconsistent and insufficient funding. While these programs serve important purposes, FCEP fills the void by replacing and improving upon HFRP with mandatory funding and adding an eligible entity-held easement (via FLE) to complement HFRP's federally held easement (which will become FRE).

What is the status of FCEP? The Forest Conservation Easement Act was first introduced in the House by Reps. Trent Kelly (R-Miss.) and Ann Kuster (D-N.H.) in May 2023. Sens. Kirsten Gillibrand (D-N.Y.) and Roger Wicker (R-Miss.) introduced similar legislation in August 2023. The Alliance is working with a broad coalition of conservation, working forest, hunting and fishing organizations to ensure inclusion of the Forest Conservation Easement Program Act (H.R. 3424 / S. 2631) in the next Farm Bill's conservation title, with mandatory funding.

Support the Forest Conservation Easement Program Act (H.R. 3424 / S. 2631)