

MEMORANDUM OF UNDERSTANDING
BETWEEN
U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION
SERVICE
WASHINGTON STATE CONSERVATION COMMISSION
WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS
WASHINGTON STATE UNIVERSITY EXTENSION
WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES
REGARDING
DELIVERY OF PROGRAMS AND SERVICES
TO
NON-INDUSTRIAL PRIVATE FOREST LANDOWNERS
IN
WASHINGTON STATE

This Memorandum of Understanding (MOU) is made and entered into by and between the U.S. Department of Agriculture Forest Service (USFS); the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS); the Washington State Conservation Commission (WSCC); the Washington Association of Conservation Districts (WACD), Washington State University Extension (WSU); and the Washington State Department of Natural Resources (DNR), hereinafter referred to as "the Parties."

I. INTRODUCTION

Nationally, non-industrial private forest landowners control more forest land than all other ownership types combined. Even in Washington, with extensive public and industrial forest holdings, an estimated 215,000 non-industrial private owners control the fate of 5.8 million acres of forest and other associated rural lands, which provide extensive environmental and economic benefits to the state's citizenry. The federal and state governments have long recognized the

importance of protecting these forests from harm and promoting their long-term retention and sustainable management. The Parties to this memorandum all play a significant role in helping landowners to achieve this goal.

II. PURPOSE

This Memorandum of Understanding, regarding delivery of programs and services to non-industrial private forest landowners in Washington State, is made and entered into by the above-identified Parties to:

- Clarify roles, responsibilities, and authorities of each of the Parties;
- Improve coordination regarding strategic planning, establishment of priorities, program development, and deployment of resources;
- Promote collaboration in implementation of state wide strategies, priorities and programs;
- Facilitate coordination to identify and promote collaboration between the Parties (all or any combination of the Parties) to address regional landscape-level forest health issues and other forest resource concerns, either through formal agreements or informal cooperation;
- Improve landowner awareness of, and participation in, programs and services provided by the Parties and other resource providers;
- Promote collaboration between the Parties' (all or any combination of the Parties) local office²s to address local forest health issues and forest resource concerns, either through formal agreements or informal cooperation;
- Improve coordination, cooperation, efficiency, and effectiveness in the delivery of programs and services;
- Facilitate sharing of information, resources, technology, and expertise;
- Facilitate a coordinated response to landowner assistance needs following significant natural disaster events;
- Improve knowledge and skills of non-industrial private forest landowners and the natural resource professionals who assist them;
- Promote the long-term retention, health, and sustainable management, of non-industrial private forest lands and enhance the environmental and economic contributions which accrue to society there from.

This Memorandum is intended to:

- Complement the nationwide forestry Memorandum of Understanding between the National Association of State Foresters (NASF), National Association of Conservation Districts (NACD), USDA Natural Resources Conservation Service (NRCS), and USDA Forest Service (USFS) executed in September 2008 and updated in 2013;

- Support the DNR's Forest Action Plan, Wildfire Strategy, and the 20 year Forest Health Strategic Plan, the current NRCS State Resource Assessment, and formal statewide strategies of the remaining Parties;
- Supersede and replace the previous Washington State Interagency Forestry Memorandum dated November 1993 and May 2012, which the Parties agree is superseded and replaced with this MOU upon the Effective Date of this MOU.

III. ROLES AND RESPONSIBILITIES

Each of the Parties has authority and responsibility for directly or indirectly providing support for, or delivery of, programs and services to non-industrial private forest landowners in Washington State. These programs and services are intended to encourage long-term retention, health, and sustainable management of non-industrial forest lands and to enhance the environmental and economic benefits which accrue to society there from.

USDA Forest Service

The **USDA Forest Service**, through its State and Private Forestry (S&PF) mission area, provides expert advice, technology, and financial assistance to help landowners and resource managers sustain the Nation's forests and protect communities and the environment from wildland fires.

Through grants and cooperative agreements, the Washington State Department of Natural Resources, and other partners, deliver the majority of this landowner assistance in the State of Washington through three S&PF "umbrella" program areas that receive annual federal appropriations: Forest Health Management; Cooperative Fire Protection; and Cooperative Forestry. In the delivery of these programs, the Forest Service provides federal authority, programmatic guidance and standards, fiscal and technical support, and oversight and accountability.

Forest Health Management assistance includes conducting survey, suppression, prevention, and management activities on native and non-native forest insect, disease, and invasive plant pests.

Cooperative Fire Protection programs focus on the need to reduce the threat of wildland fires in wildland-urban interface areas. Assistance is provided to complete Community Wildfire Protection Plans and to implement high priority hazard mitigation projects identified in those plans, including those on non-industrial private forest lands.

Cooperative Forestry programs include the Forest Stewardship Program, Forest Legacy Program and Urban & Community Forestry Program. The Forest Stewardship Program provides technical and financial assistance to help landowners manage their forest lands, including the development and implementation of long-term, multi-resource Forest Stewardship Plans. The Forest Legacy Program conserves private forest land at risk of

conversion to non-forest uses through nationally competitive grants to DNR. The Urban & Community Forestry Program works with a wide range of partners to promote trees wherever people live in Washington.

The Forest Service also operates a system of Forest and Range Experiment stations which conduct research to assist land owners and managers.

Additionally, the Forest Service manages the federal lands in the National Forest System. National Forest lands often border, or are located in close proximity to, non-industrial private forest lands, thereby providing the potential opportunity for management practices which have benefits beyond ownership boundaries. Most National Forests in Washington have collaborative groups of stakeholders who advise forest management decisions, and offer a forum to coordinate forest management across landownership boundaries.

In 2014, in order to enhance cooperation with State partners, Congress passed into law Good Neighbor Authority, allowing the Forest Service to enter into cooperative agreements that allow States to perform watershed restoration and forest management services on National Forest System lands.

USDA Natural Resources Conservation Service

The USDA Natural Resources Conservation Service (NRCS) has primary responsibility for Farm Bill conservation programs which provide financial and technical assistance, to help landowners improve their resource conservation through the implementation of practices and enhancements. NRCS provides this technical and financial assistance to farmers, ranchers, and non-industrial private forest landowners through its local field offices and service centers found throughout the state. Direct technical assistance is provided to these landowners through the NRCS conservation planning process. Through this planning process, NRCS identifies the landowner's objectives and the resource concerns of their land, then develops a plan which schedules the implementation of appropriate conservation practices or enhancements to address those resource concerns, while meeting landowner objectives. In addition, NRCS is a source of interdisciplinary expertise for forestry and natural resource conservation.

NRCS works in close cooperation with county Conservation Districts, providing technical expertise to support local work group conservation priorities and in serving farmers, ranchers and non-industrial private forest landowners.

NRCS also administers competitive grant programs which could provide financial support to other entities who assist in serving non-industrial private forest landowners, including the Parties of this MOU. Other NRCS programs include the Soil Survey, which provides information on forest soils necessary for both planning and practice implementation. The agency also operates Plant Materials Centers, which develop technical guides for species selection and use for conservation purposes. Finally, NRCS provides snowpack and water supply forecasting services through its Snowtel Program.

Washington State Conservation Commission

The Washington State Conservation Commission (WSCC) provides administrative support, coordination, guidance, technical assistance, and fiscal support to local Conservation Districts.

Washington Association of Conservation Districts

The Washington Association of Conservation Districts (WACD) is an independent association of individual Conservation Districts. Individual Conservation Districts identify local resource conservation needs and provide technical assistance and educational to farm, ranch, non-industrial private forest landowners and others. Districts partner with the USDA USFS and NRCS, WA DNR, WSU and others to provide advice and technical assistance to address these and other resource conservation needs. WACD operates a Plant Materials Center which produces conservation plant materials, including forest species, which are sold to landowners generally through local Conservation Districts.

Washington State University Extension

Washington State University (WSU) is the state's Land Grant University. WSU Extension is part of a national network of Land Grant University Extension Services which are cooperatively funded through a partnership between the US Department of Agriculture, and state and county governments, to bring educational programs and materials to the public through a system of local extension offices in each county staffed by WSU Extension faculty.

WSU Extension has primary responsibility for conducting educational programs, and providing educational materials and resources, for non-industrial private forest landowners and the natural resource professionals who advise them.

Washington State Department of Natural Resources

The Washington State Department of Natural Resources (DNR) is the state's forestry agency. DNR has primary responsibility for delivery of technical assistance to non-industrial private forest landowners and administers a variety of programs which benefit this clientele, most of which are supported, in part or in whole, by USDA Forest Service State and Private Forestry funds. These include: Forest Stewardship; Forest Legacy; Forest Health; Wildfire Prevention, Hazard Reduction, and Suppression; Genetic Tree Improvement; and Forest Nursery programs.

Additionally, the Department's Small Forest Landowner Office (SFLO) oversees state-funded programs which provide technical and financial assistance to help small forest landowners more effectively cope with the requirements and impacts of extensive, complex state Forest Practices regulations. These programs include: Stewardship and Technical Assistance, Forestry Riparian Easement Program, Family Forest Fish Passage Program, Rivers and Habitat Open Space Program, Small Forest Landowner Alternate Plan Templates and Long Term Forest Practices Applications.

IV. COORDINATION AND COOPERATION

To the extent practicable; within such constraints as may be imposed by available resources and legal, policy, procedural, and administrative requirements; the Parties agree to:

I. On an ongoing basis:

- Recognize the primary authority and responsibility of other Parties for specific programs and services;
- Provide landowners with information about programs and services available from the other Parties based upon information supplied by those Parties;
- Inform landowners of the nature and availability of private sector forestry programs, services, and expertise and refer landowners who require assistance outside the scope of services provided by the Parties;
- Participate in state and local advisory groups of other Parties;
- Coordinate and collaborate with other Parties either through formal agreements or informal cooperation to maximize efficiency and effectiveness of service delivery and reduce the potential for redundant, competing, or conflicting efforts;
- Coordinate landowner forest management plan standards and guidelines to help meet the requirements of multiple entities and programs, as embodied in Exhibit A of this MOU;
- Refer landowners to those in other Parties with more appropriate expertise, or access to more appropriate resources, to meet landowner needs;
- Recognize the contributions of other Parties in publicly distributed information and materials;
- Support educational programs and training opportunities for landowners and the natural resource professionals who serve them.

2. The Parties will meet at the same time and location as the annual Family Forest Coordinating Meetings. At this annual work plan coordination meeting, the parties will::

- Cooperate to assess natural resource and landowner needs and identify opportunities to address those needs;
- Coordinate amongst the Parties regarding strategic planning, identification of priorities, and focus of landowner assistance resources;
- Collaborate regarding landscape level planning and program implementation;
- Share information about technology, technical information, and professional expertise of potential benefit to other Parties and landowners;
- Consider opportunities for co-location, or mutual use of facilities and office space, by the Parties;
- Explore opportunities to coordinate complementary financial incentive programs amongst the Parties;
- Share information of potential use to landowners and their natural resource advisors with

the other Parties;

- Coordinate response to landowner educational, technical, and financial assistance needs following significant natural disaster events;
- Jointly produce an annual work plan among the Parties identifying specific actions pertinent to the above and ongoing items;
- Review the provisions of this MOU for any necessary amendments.
- Where practicable, invite other members parties of the MOU to trainings and outreach efforts. E.g. WSU invites others to field days and WACD invites parties to give trainings at conferences.

3. Participate in such additional formal and informal interagency coordination and collaboration as may be mutually advantageous.

4. Actions beyond the scope of this MOU may require a separate agreement or contract among the parties.

V. AUTHORITIES OF THE PARTIES

Each of the Parties has specific legal authorities related to forest landowner assistance as identified in federal or state statute, organizational policy, or executive order, including, but not limited to:

- The Department of Agriculture Reorganization Act of 1994, Public Law 103-354, 7 USC 6901-7014
- Secretary's Memorandum 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994
- Cooperative Forestry Assistance Act of 1978, Public Law 95-313, 16 USC 2101-2114 (As amended through Public Law 171-108, June 16, 2002 and Public Law 110-246, June 18, 2008)
- Soil Conservation and Domestic Allotment Act, Public Law 74-46, 16 USC 590a-f; Soil and Water Resources Conservation Act of 1977, Public Law 95-192 16 USC 2001-2009
- National Association of State Foresters By Laws and Constitution
- Washington Association of Conservation Districts ByLaws
- Facilitation of Cooperative Conservation, Presidential Executive Order 13352 of August 26,2001
- Smith–Lever Act of 1914, 38 Stat. 372, 7 USC 341 et seq. as amended through P.L. 110–246, 2008
- McIntire–Stennis Act of 1962, Public Law 87-788
- USDA Department Regulation, 5600-003, USDA Roles in Market -Based Environmental Stewardship, dated December 20, 2006.
- Agricultural Act of 2014.

- Extension at 1890 Land Grant Colleges... Sec. 1444 7 USC 3221
- National Agricultural Research, Extension, and Teaching Policy Act of 1977, Public Law 95-113.
- Renewable Resources Extension Act of 1978, Public Law 95-306
- State Authorizing Legislation for DNR Forest Stewardship Program-RCW 76.13.020
- State Authorizing Legislation for DNR Small Forest Landowner Office-RCW 76.13.110
- State Authorizing Legislation for Conservation Districts and Washington Conservation Commission - RCW 89.08
- State Interlocal Cooperation Act-Chapter 39.34 RCW

This document identifies areas of mutual interest, understanding, agreement, and intent, however, no contractual or financial obligation shall be incurred by any of the Parties signatory hereto as a result of signing or participating in the implementation of this MOU, except as otherwise agreed separately in writing in conformance with applicable laws.

V. GENERAL PROVISIONS

1. The Parties and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
2. Nothing in this MOU shall obligate either Parties to obligate 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 Department of Agriculture and [insert name of other party or 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.
3. 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 a party against the United States, its agencies, its officers, or any person.

VI. TERM OF AGREEMENT

This MOU takes effect upon the signature of the Parties and shall remain in effect for five

years from the date of execution. This MOU may be extended or amended upon written request of either the Parties and the subsequent written concurrence of the other(s). The Parties may terminate this MOU with a 60-day written notice to the other(s).

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VII. ADMINISTRATION

The authorized representatives for the Parties, as identified in Section IX. of this MOU, shall serve as the administrators and points of contact of the agreement for their respective agencies.

VIII. APPROVAL SIGNATURES

Debbie Hollen, Director
State and Private Forestry, USDA Forest Service, Pacific Northwest Region

Date

Roylene Rides at the Door, State Conservationist
USDA Natural Resources Conservation Service

Date

Mark Clark, Executive Director
Washington State Conservation Commission

Date

Thomas Miller, President
Washington Association of Conservation Districts

Date

Michael J. Gaffney, Assistant and Acting Director
Washington State University Extension

Date

George Geissler, State Forester
Washington State Department of Natural Resources

Date

EXHIBIT A

INTERAGENCY INTEGRATED FOREST MANAGEMENT PLAN GUIDELINES