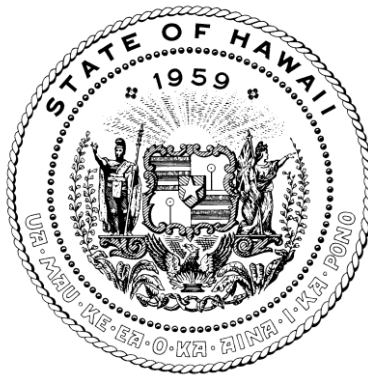


REPORT TO THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2012

RELATING TO THE FOREST STEWARDSHIP PROGRAM



Prepared by

THE STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE

In response to Section 195F-6, Hawaii Revised Statutes

November 2011

## RELATING TO THE FOREST STEWARDSHIP PROGRAM

### PURPOSE

This report complies with §195F-6, Hawaii Revised Statutes (HRS), and covers specific topics relating to the Forest Stewardship Program (“Program”) within the Department of Land and Natural Resources (“Department”). Act 195, Session Laws of Hawaii (SLH) 1993, established a dedicated funding source as a percentage of annual Conveyance Tax revenues that are deposited into the Natural Area Reserve Fund. This report includes actions taken during the period July 1, 2010 – June 30, 2011 as required to implement the statutory provisions of the Program.

### BACKGROUND

The Program became effective in July 1991 by way of Act 327 of the 1991 State Legislature. The Act authorized the Department to provide state funds to financially assist private landowners to manage, protect, and restore important natural forest resources on their forested and formerly forested properties. The Program enables private landowners to restore, conserve, and actively manage important forest resources that provide vital public and private socioeconomic and environmental benefits.

Private landowners own approximately one half of Hawaii's forested areas. By establishing and maintaining this Program, the State recognizes that public-private partnerships are essential to the present and future conservation and health of forest resources and Hawaii's. With the demise of much of Hawaii's agricultural industries, sugar and pineapple, the Program encourages conservation of both degraded agricultural areas and native forests. It also serves to stimulate investment in forestry as an economically viable land-use alternative that will supply our developing hardwood timber industry.

The primary goals of this Program are: watershed protection, conservation, high-value timber plantations, threatened and endangered species recovery, environmental education, and restoration of formerly fallow and/or degraded agricultural lands.

### PROGRAM ACTIVITIES

From 1990 to present, approximately \$3,313,733 in state funds has been distributed to 35 landowners conducting stewardship activities or having completed forest management plans on 19,815 acres. These State funds have leveraged \$4,834,316 in private funds & over \$1,500,000 in USDA Forest Service funds for stewardship practices across Hawaii. Twenty five of these projects are in the post 10-year maintenance phase, six are active, three have used this Program to develop management plans, and one was terminated (see Exhibit 1). The majority of landowners who enroll would not have been able to pursue their innovative & sustainable land-use objectives without the technical and financial assistance offered through this Program.

In this fiscal year, Program staff has provided over 1,500 hours of technical assistance to private landowners and/or communities, and contributed towards the production of over 100,000 tree seedlings in state nurseries production. An important accomplishment this year was the completion of the Memorandum of Understanding (MOU) with the USDA Natural Resource Conservation Service (NRCS), the USDA Forest Service and the Hawaii Association of Conservation Districts (see Exhibit 2). This partnership enables private landowners who develop an approved State Forest Stewardship Program management plan to seek out funding to implement the plan from NRCS. Currently NRCS has designated funds for all of the goals of the FSP program, but lacks forestry expertise; therefore many states across the nation are entering into these agreements to augment incentives for private landowners interested in sustainable forestry practices.

The Program also leverages Forest Service federal funding making the incentives for landowners to engage in restoration or conservation more enticing. Additionally, the Program Advisory Committee provides oversight for the Federal Forest Legacy Program, which focuses on private land acquisition for conservation purposes.

#### PLANNING, MANAGEMENT AND ACTIONS

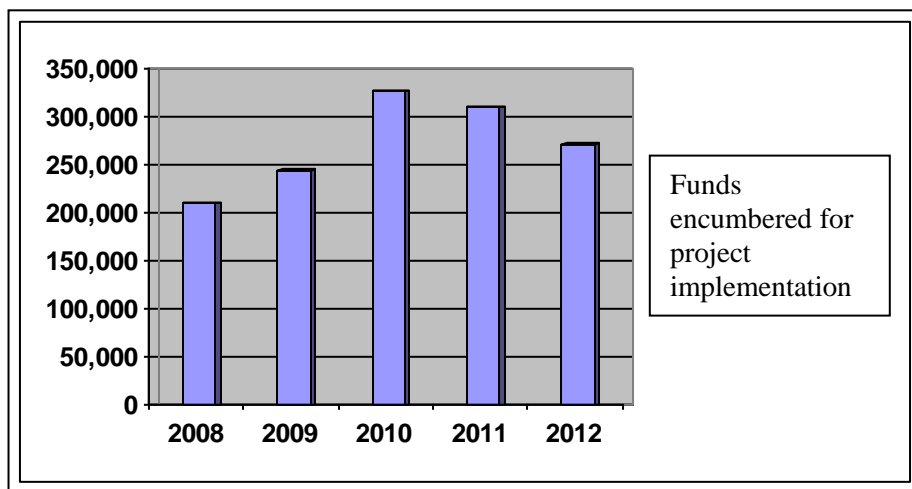
The Department continues to identify ways to more effectively address landowner and state needs while maintaining accountability and furthering the overall long-term objectives of the Program. The "Five Year Plan", available on the Department's web page at [www.hawaii.gov/dlnr/dofaw/forestry/fsp](http://www.hawaii.gov/dlnr/dofaw/forestry/fsp), outlines strategies for expanding environmental and economic impacts, while increasing landowner participation. The Department incorporated this Plan into the Statewide Assessment of Forest Conditions and Resources Strategy (SWARS), completed in June 2010 (<http://hawaii.gov/dlnr/dofaw/SWARS/home>). The completed SWARS allows the State to access unique United States Department of Agriculture (USDA) funds through the USDA's Forest Service's Competitive Grant Process.



Ola Honua Forest  
Stewardship Project  
in Kapahulu, Maui.  
Native and exotic  
hardwood plantation.

Landowners receive cost-share payments as reimbursements only after they complete and report on specific management practices as described in their approved management plans. Once such practices have been confirmed by Department staff, reimbursements are provided. To date, the Department has entered into formal forest stewardship contract agreements or helped develop long term management plans on Kauai, Oahu, Maui, Lanai, Molokai, and Hawaii

The following table illustrates State Forest Stewardship Program funds encumbered during Fiscal Year FY 11 and the expected Program funding needs for FY 12.



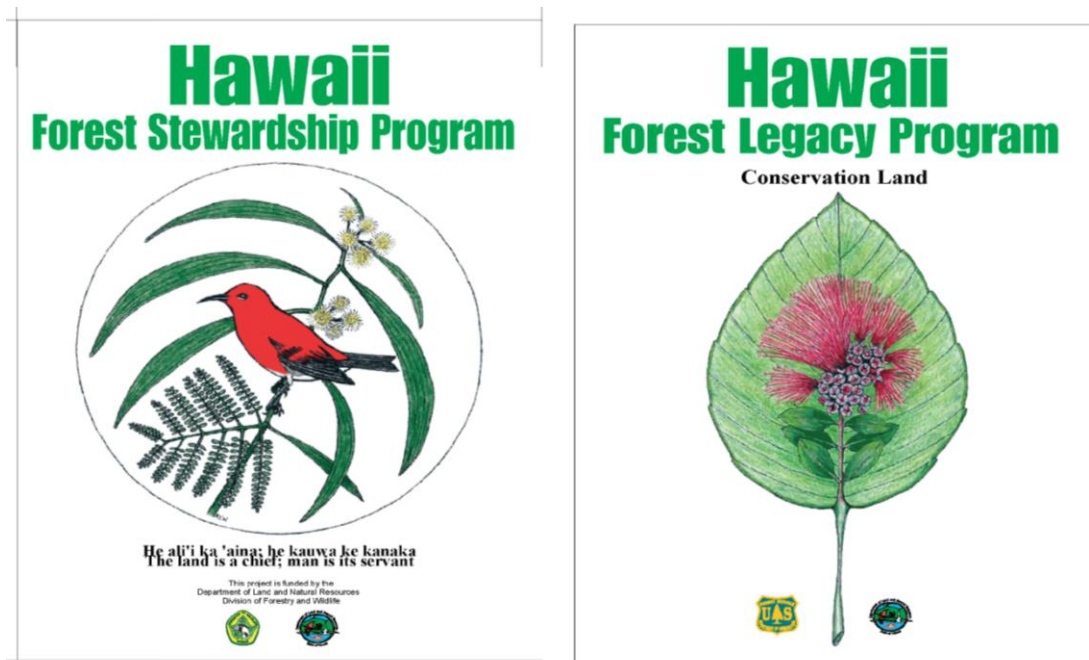
The Committee also oversees the Federal Forest Legacy Program (FLP) in Hawaii - [www.hawaii.gov/dlnr/dofaw/forestry/hflp](http://www.hawaii.gov/dlnr/dofaw/forestry/hflp). Since 1994, the FLP has provided \$9,558,000 to acquired 42,167 acres for conservation purposes; 16,187 acres are in conservation easements and 25980 acres are fee simple title. Currently, there is \$1,500,000 in FLP funds encumbered for a total 614 acres of conservation easements on Molokai that is expected to close within one year.



The Nature Conservancy of Hawaii Kona Hema Preserve in South Kona on the Big Island, has a conservation easement over these 8,000 acres that was purchased with Forest Legacy Program funds.  
*Photo taken by TNC*

## PROGRAM DEVELOPMENT/OUTREACH

Both the Forest Stewardship and Forest Legacy Programs strive to educate the public with regards to the important environmental and economic benefits and ecosystem services that forest resources provide, when responsibly managed. Through successful partnerships with federal, state, and county agencies on all major islands, the Department engages in various landowner assistance program workshops across the State. Additionally, the Department's websites are constantly updated and handbooks, fact-sheets, posters, signs and brochures are continuously distributed to landowners, communities and government agencies across the state. The Department also contributes program news updates to relevant agency and organizational newsletters, as well as periodic press releases to further educate partners and inform potentially interested landowners. Forest Stewardship and Forest Legacy Program signs are given to landowners who engage in these programs.



## NEW PROGRAM

### Conservation Reserve Enhancement Program

As an initiative of the Program to expand the available assistance to landowners for restoration of degraded agricultural lands and restoration of native habitats, U.S. Secretary of Agriculture Ed Schafer and the State of Hawaii Governor Linda Lingle authorized the Hawaii Conservation Reserve Enhancement Program (CREP) on January 15, 2009. The Hawaii CREP aims to provide farmers and ranchers with a sound financial package for conservation and enhancement of the natural resources over 15,000 acres across Maui, Hawaii, Molokai, Lanai, Kauai, and Oahu. The Hawaii CREP invites landowners and lease holders to enact watershed conservation practices on their land that will contribute toward achieving the State's identified watershed goals of enhancing stream water quality; reducing coral reef degradation and enhancing near shore coastal waters; increasing groundwater recharge; restoring native, threatened and endangered species

habitat; and controlling the spread of invasive species in upland areas. Participants receive financial assistance from USDA and the State for installing conservation practices on their land.

The State's commitment to the USDA for CREP is to provide 20 percent of the total program cost; 10 percent of which is paid directly to landowners and 10 percent that can be met by an in-kind contribution by the State. During the 2006 Legislative Session, the Hawaii Legislature approved an increase in base funding for the Forest Stewardship (Special) Fund to support the implementation of the Hawaii CREP as authorized under §195F-4, HRS. Funds granted through the Hawaii CREP support landowners in managing, protecting, and restoring important natural resource values in Hawaii's forested and formerly forested lands.

The Hawaii CREP has been available to landowners located on Maui and Hawaii Island since April 1, 2009, the first sign-up day. In this past fiscal year, Molokai and Lanai became available; and as of October 1, 2011 residents on Kauai are now eligible for this Program. In total eight (8) project agreements have been executed covering about 150 acres. Interest in the Hawaii CREP from landowners and producers has continued to remain high, but the turn around time from implementing partners remains slower than desired. The State and USDA anticipate a significant increase in enrollment during the next fiscal year as communication between the implementing agencies improves.

#### RECOMMENDED CHANGES

##### Program Administration:

1. Hawaii Administrative Rules Title 13-109-8(c)(3), for the Program does not currently allow federal funds (received by the same private landowner engaged in similar and/or related natural resource management goals) to be used as a match for state Forest Stewardship Program dollars. A rule change is needed to allow state funded programs to utilize federal funds as a match when programs are identical in goals.
2. The Assessment of Needs (AON) is a document that guides implementation of FLP in Hawaii. Amending AON to include agriculture-zoned lands in addition to the currently authorized conservation-zoned lands as eligible for FLP would be highly beneficial.



## Exhibit 1

## Hawaii Forest Stewardship Program Enrollment

## Report to the Twenty-Sixth Legislature

**State Forest Stewardship Projects***Active State Contracts/First 10 yrs*

	<b>Name of Project/ Landowner</b>	<b>10/Yr State Total</b>	<b>Funded to Date</b>	<b>Match to Date</b>	<b>Location</b>	<b>Size Acres</b>	<b>Management Practices</b>
1	Ookala Community Forest/	\$75,354	\$72,562	\$97,087	Laupahoehoe,	21	Demonstration of timber species
2	Ola Honua/Neaulani Inc.	\$532,991	\$261,448	\$153,224	East Maui - Hana	172	Native Forest Restoration, timber
3	Kokua Kalihi Valley/Ho'oulu 'Aina	\$355,520	\$124,744	\$179,151	Kalihi Valley, Oahu	30	Nature Park,native spp. restoration
4	Maui Land & Pineapple	\$371,880	\$72,245	\$89,372	West Maui	30	Converr degraded ag to forest
5	Conant	\$6,833	\$6,426	\$7,553	Volcano, Big Isl.	7	Native forest restoration
6	Waikalua Dry Forest Recovery	\$465,382	\$88,998	\$124,483	Waikalua, Big Isl.	275	Dryland forest restoration
			<b>\$626,423</b>	<b>\$650,870</b>		<b>535</b>	

**State Forest Stewardship Projects***In Post 10 yr Maintenance Period*

	<b>Name of Project/Landowner</b>	<b>Total Funded</b>	<b>Landowner Match</b>	<b>Location</b>	<b>Size Acres</b>	<b>Management Practices</b>
1	Ku 'Ohi'a Laka	\$57,192	\$97,064	Kopu Farm Lots Mtn. View/Keaau	39	Native forest restoration
2	Castle & Cooke Resorts, LLC	\$608,919	\$801,531	Lanai	3,588	Native forest and watershed
3	Green & Russo	\$25,647	\$32,054	Papaaloa, (Hamakua Coast)	17	High-value hardwood production
4	Dougherty	\$9,006	\$9,109	Ninole, Hawaii (Hamakua Coast)	17	High-value hardwood production
5	Linda & Michael Larish	\$11,166	\$11,788	Kurtistown, Hawaii (Puna)	20	High-value hardwood production
6	Hamakua Hardwoods/Giardina	\$25,359	\$25,359	Papaaloa (Hamakua Coast)	17	Native dryland forest restoration
7	Kainalu Ranch/Dunbar	\$241,707	\$307,653	Kainalu Ahupuaa, East Molokai	141	High-value hardwood production
8	Walter & Kathy Mendes	\$19,538	\$21,134	Hoolehua, Molokai (N central)	18	Acacia koa timber production
9	Allan Batesole	\$15,018	\$24,932	Anahola, Kauai	7	High-value hardwood production
10	H&G Koa Enterprises, Inc./Hill	\$33,193	\$39,444	Pauilo, Hawaii (Hamakua Coast)	14	High-value hardwood production
11	Kapaka Road Partnership	\$41,720	\$54,384	Princeville, Hanalei, Kauai	25	High-value hardwood production
12	Hawaiian Mahogany, Inc./Covern	\$698,237	\$1,204,183	Koloa, Kauai	954	Koa timber production
13	Maikai Ranch/Twigg-Smith	\$7,531	\$8,493	Holualoa, Hawaii	321	Silvopasture/agroforestry
14	Umikoa Ranch/Matsuura	\$433,373	\$866,750	Kaala, Hawaii (upper Hamakua)	850	High-value hardwood production
15	Jack Zimmerman	\$43,203	\$46,170	Honoka'a, Hawaii (Hamakua Coast)	42	High-value hardwood production
16	Mark Kimball	\$83,417	\$92,794	Holualoa, Hawaii	156	Native forest restoration
17	Sam & Tanya Paltin	\$6,407	\$6,407	Wood Valley, HI (Kau District)	12	Native forest restoration
18	Kalopi Reforestation/Hancock	\$38,020	\$38,020	Kawaihae Uka (North Kohala)	65	High-value hardwood production

19	Rex Provisor	\$31,185	\$35,615	Papa Area, Hawaii (South Kona)	18	High-value hardwood production
20	Stephen Oldfather	\$4,767	\$4,767	Kahauhuna North Hilo, Hawaii	15	High-value hardwood production
21	Michael & Kili Matsui	\$5,935	\$5,923	Wood Valley (Kau District)	40	Watershed restoration
22	Wood Valley Community	\$21,550	\$21,550	Wood Valley, HI (Kau District)	34	Native forest restoration
23	Molokai Ranch	\$75,723	\$75,723	Puu Nana, Molokai (south west)	425	Nene habitat restoration
24	Kaloko Mauka Cloud Forest	\$87,500	\$128,450	Kaloko Mauka, Kona District	95	Native forest restoration
25	W.H. Shipman Nene	\$10,000	\$10,000	South Hilo, Hawaii	50	Native forest restoration
		<b>\$2,635,313</b>	<b>\$3,969,297</b>			<b>6,980</b>

### Forest Stewardship Program Approved Plans

Approved Plans not funded by FSP		Location	Acres	State Funds	
1	Kealakekua Heritage Ranch	Kealakekua, Big Island	8,544	0	Native reforestation, silvopastoral timber production
2	Ahu Lani Sanctuary	Hamakua, Big Island	24	3,000	Native forest restoration
3	Mark Nierode	Mt. View, Big Island	40	2,550	Native Forest Restoration
			<b>8,608</b>	<b>5,550</b>	

### Plans Developing

Name of Project/Landowner	Location	Acres	Practices
1 Schirmann	Haiku, Oahu	30	Protect & restore Palila habitat - fence, construction, invasive spp control
2 Silversword Foundation / Kam. Schools	South Kona, BI	11,000	Small woodlot, invasive. spp removal, restoration
3 Mary Ellen Houston	Kauai	8	Native forest restoration
4 Steel & Harte	Hamakua	12	Small woodlot, stream bank restoration, native forest restoration
5 Monoha'a Ranch	Kealakekua, BI	473	Native forest restoration & silvopastural
6 Dalton	Kukaiaua, BI	89	Native forest restoration and timber stand improvement
7 Brookes	Hili, BI	11	Native forest restoration
8 Ostrowski	Hamakua, BI	30	Native forest restoration
9 Lau	Hamakua, BI	50	Native forest & wetland restoration, nursery
<i>Projects are developing their plans</i>		<b>11,703</b>	

### Terminated

Name/Owner	Contract Total	Total Funded	Landowner Match	Location	Size (Acres)	Management Practices
Honouliuli TNC	\$670,951	\$152,325	\$214,149	Waianae Mountains O'ahu	3,692	Native forest/habitat restoration



MEMORANDUM OF UNDERSTANDING

BETWEEN THE

UNITED STATES DEPARTMENT OF AGRICULTURE,  
NATURAL RESOURCES CONSERVATION SERVICE

AND THE

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

AND THE

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE

AND THE

HAWAII ASSOCIATION OF CONSERVATION DISTRICTS

CONCERNING COLLABORATION ON FORESTRY RELATED PROGRAM DELIVERY IN  
THE STATE OF HAWAII

This Memorandum of Understanding (MOU) is made and entered into by and between the United States Department of Agriculture Natural Resource Conservation Service (NRCS), the United States Department of Agriculture Forest Service (USFS), the State of Hawai'i Department of Land and Natural Resources (DLNR) and the Hawai'i Association of Conservation Districts (HACD). These entities are hereinafter referred to as the "Partners."

I. PURPOSE

The purpose of this agreement is to enhance public benefit from the sustainable management of forestry resources in Hawai'i. This agreement is intended to integrate technical skills, fields of expertise and strengthen interagency delivery of forestry assistance to privately managed lands across the state, as well as increase technical capacity within the Partners to improve deliverability of forestry-related programs. For the purposes of this MOU, "privately-managed lands" shall include privately owned, leased or licensed lands<sup>1</sup>.

Specifically, this MOU details actions associated with:

---

<sup>1</sup> Land eligibility is specific to each assistance programs and may include either, all or a combination of privately owned, leased or licensed lands. For the purposes of collaboration Partners will include all privately managed lands in discussions under this MOU and for goal development.

- A. Identifying the Partners' roles in providing financial and technical assistance to privately managed lands forest landowners and land managers, and associated collaboration between the Partners on the delivery of such assistance.
- B. Promoting integrated and streamlined delivery of the Partners' forestry related programs to allow consistent, expeditious and user friendly interactions for landowners and land managers interested in forestry-related practices on their land.
- C. Identifying critical and priority forest landscapes for outreach, engagement and targeted service to landowners and land managers to enhance the health and productivity of working forested lands.
- D. Developing a communication plan between the Partners to further the implementation of forestry-related initiatives and administrative issues as described under this MOU in a consistent manner.
- E. Participation in annual meetings to enhance the Partners' interactions and cross-training efforts.
- F. Establishment of Cooperative Weed Management Areas (CWMA) or Conservation Cooperative Partnership Initiatives (CCPI) focused on forestry management through the control of invasive species.

Under this MOU the Partners agree to practice good faith efforts to realize the above described purposes and to further mutual interests by contributing resources to the successful implementation of forestry related programs and the benefits derived from such cooperation.

## II. BACKGROUND

Throughout the United States there are a variety of federal, state and local government agencies with legislatively directed responsibilities to provide assistance for forest conservation, management, productivity and health practices on private forest lands. The Partners recognize the importance of improving the coordination and delivery of forestry assistance programs to all eligible forest owners, and to enhance the consistency and implementation of recommended practices.

In September 2008, the National Association of State Foresters, the National Association of Conservation Districts, the NRCS and the USFS signed a national Memorandum Of Understanding (Appendix A). This Memorandum Of Understanding strengthens cooperation between the Partners at the national level for coordinated interagency delivery of forestry-related conservation assistance to privately managed lands. The intended result is to sustain the health, diversity, and productivity of America's private working lands - forest land, cropland, pasture, and rangeland, especially as they relate to the newly shared responsibilities identified in the 2008 Farm Bill.

As stated in the national Memorandum Of Understanding, the Partners recognize that Hawaii's forest resources are subject to multiple threats and do not provide the full range of benefits that they are capable of providing. Challenges such as those listed below and as more thoroughly discussed in Hawaii's State-Wide Assessment and Resource Strategy (SWARS) can be addressed through a collaborative approach that is strengthened by the assets and expertise provided by each of the Partners.

A. Landscape fragmentation and development pressures, including the conversion of land to non-forest uses. Widespread conversion and development in Hawai'i has been present from prehistoric times to today. Incremental conversion of native areas by urbanization and intensive agricultural practices have severely altered the natural terrain in lower and middle elevations on all the major islands and has resulted in loss and fragmentation of forested habitats. Clearing of forest for production purposes, including for agricultural crops and grazing operations, has a significant negative impact on forested areas and existing forest resources. Additionally, as property values increase and income generating products decrease, trends toward subdivision and subsequent sale of smaller parcels threatens to increase forest fragmentation. Without active protection and management, Hawaii's forestlands remain threatened by development pressures, fragmentation, and habitat modifying invasive plants and animal species.

B. Increasing costs associated with wildfire control and threat to Hawaii's native, ecosystems including threatened and endangered species. Wildfires in Hawai'i place communities at risk, destroy native species and ecosystems, destroy irreplaceable cultural resources, cost taxpayers money, negatively impact drinking water supplies and human health, increase soil erosion, and impact near shore and marine resources. For Hawaii's forest resources, reducing the impacts of wildfire on native ecosystems and watersheds, providing pre-suppression to sensitive areas, and controlling the spread of non-native invasive fire-adapted grasses, shrubs, and trees is important across the islands.

C. Increased invasive species damage from non-native plants, mammals, insects, and diseases. In Hawai'i, biological invaders are currently the primary agents of ecosystem degradation, which has resulted in ecosystems that are partly or entirely replaced by invasive species. The numbers of invasive species in Hawai'i is ever increasing and there is a need to engage public and private landowners in understanding, preventing, detecting and controlling invasive species. Additionally, improving biosecurity policies; establishing early detection networks and island-wide eradication of incipient species; restoring areas where invasive plants, insects, and diseases have harmed forests; developing new tools to increase effectiveness of control methods for invasive plants, insects, and diseases; increasing public and private involvement in invasive species prevention and control; monitoring invasive plants and related damage or mortality caused by forest pests to guide management activities; and working with other programs to ensure integrative approaches to management are essential for the control of invasive species.

D. Reduction in sustainable habitat for native species and native ecosystems. Hawai'i is home to the greatest number of threatened and endangered species in the United States. The decline in native species is mirrored by the loss of native habitat, with less than 40% of the land

surface covered with native-dominated vegetation. Loss, fragmentation, and degradation of habitat are primary contributors to extinction and rarity of native species. Successful conservation in Hawai'i requires that we strive to maintain the remaining intact native ecosystems; stemming the establishment of new invasive species; restoring degraded areas needed for species-specific conservation goals; and devising practical strategies to limit the impact of widely-established species. Conservation of Hawaii's unique habitats and species requires cooperation across land ownership and organizations to engage in conservation to maintain intact native ecosystems and species; maintain native dominated ecosystems; enhance native dominated habitat with formerly wide-spread plant species that are now limited in range; and for the restoration of Hawaii's landscapes.

E. Forest products management. A well managed forest products industry not only provides needed products in and outside of Hawai'i but it also provides jobs and landscape level ecosystem services. Benefits of Hawaii's forests go well beyond wood and fiber products and include aesthetic value, recreational enjoyment, specialty non-timber forest products including carbon sequestration, water conservation, improved air quality, coral reef protection and many other important resources. Some of Hawaii's forest products are approaching the limits of available resources, and restoration of former forested lands and management of current resources is needed to sustain production. Hawaii's forest product industry must be viewed from a holistic perspective in order to sustain the growth and health of the forests over the long term that will provide the services and benefits associated with healthy forest ecosystems.

F. Climate change including potential changes in rainfall patterns, available water, and temperatures; increase in wildfire frequency and size; and sea level rise. Climate change in Hawai'i threatens native ecosystems and biodiversity, especially for endemic species that are already restricted to small geographic areas with limited populations, and for species that will be further restricted in their current habitat range due to potential climate change. Increasing suppression costs and potential economic damages as well as increasing fire severity associated with wildfires will affect vegetation distribution and harm the health of many forest ecosystems. With sea level rise negative impacts to Hawai'i include coastal erosion and saltwater intrusion in coastal forests, wetlands, and agricultural lands. If managed properly, Hawaii's forest will help mitigate the effects of climate change and promote adaptation and resiliency among for Hawaiian communities.

### III. ROLES AND RESPONSIBILITIES

The Partners share a commitment to stewardship and conservation of Hawai'i's natural resources. The actions undertaken within this MOU will enable the Partners to accomplish collective conservation goals, while continuing to fulfill their individual organizational conservation missions resulting in a greater cumulative impact on the sustained health, diversity and productivity of Hawai'i's privately managed forest lands. The Partners will work to address barriers through joint and individual actions:

#### **The Partners will:**

- A. Promote sustainable forestry management on privately managed lands by providing financial and technical assistance to identified forested or formerly

forested lands under current or future authorized programs. Programs available for forestry assistance in Hawai‘i include, but are not limited to, Hawai‘i Forest Stewardship Program (FSP), Natural Area Partnership Program (NAPP), Environmental Quality Incentive Program (EQIP), Wildlife Habitat Incentive Program (WHIP), Hawai‘i Conservation Reserve Enhancement Program (CREP), Conservation Cooperative Initiative Program (CCPI), Conservation Stewardship Program (CSP), and Agricultural Management Assistance (AMA). The Partners will work together to integrate existing programs to reduce duplication and confusion among the Partners and private landowners.

- B. Identify critical forest landscapes for collaborative outreach to lands within those identified areas. Critical forest landscapes shall initially include all current and formerly forested lands and those lands identified as priority areas in the SWARS and/or the Spatial Analysis Project (SAP). The Partners shall review and refine targeted critical forest landscapes each year or as deemed necessary by the Partners, and incorporate modifications into respective planning documents, as appropriate.
- C. Consult with each other on the development of program ranking criteria, permissible cost-share rates and application evaluations for forestry related projects. The Partners will work to ensure that forestry-related projects receive a representative allocation of total available conservation technical and financial assistance, as appropriate.
- D. Collaborate on the development and implementation of a communication plan between the Partners, including all appropriate agency staff and affiliated Partners, to further forestry-related initiatives in a consistent manner. The communication plan should include, but is not limited to, sharing of records, material and information, and especially program guidelines; communication channels between the Partners; and dissemination of information to all agency staff involved in initiatives associated with this MOU.
- E. Participate in Partner meetings, including work groups, committees, and councils, among others, to enhance the Partners’ interactions and cross-training efforts, as well as to recognize and integrate local, regional and national initiatives.
- F. Collaborate on outreach and education to private landowners, communities, and the general public on forestry-related initiatives, sustainable management, best management practices and other activities.
- G. Encourage the use of forestry consultants for planning purposes by supporting training and certification programs for forestry Technical Service Providers, which may include workshops, webinars, site visits or other resources available.

H. Subject to the availability of funds, enter into Contribution Agreements to further initiatives under this MOU, which may include, but are not limited to, jointly funded new position(s) focused on:

- 1) Increasing forestry outreach to privately managed lands;
- 2) Assisting privately managed lands with management plan development;
- 3) Assisting privately managed lands applying for and enrolling in financial assistance programs;
- 4) Providing technical assistance for implementation of forestry practices;
- 5) Providing training and educational workshops and materials for privately managed lands and Partners staff, as appropriate; and
- 6) Other objectives that further the protection and enhancement of forestry resources.

The Partners agree to enter into a separate agreement(s) from this MOU to facilitate initiatives. Contribution Agreements will include goals for the project(s) or position(s) that must be met in order to continue any cost-share funding under the agreement, as appropriate.

- I. Promote the control of and limit future establishment of non-native invasive species in the Hawaiian Islands. Specifically, NRCS and USFS will comply with Executive Order 13112 limiting the use of federal funds for activities with the potential to introduce or spread invasive species (Appendix B), and DLNR and HADC will voluntarily follow similar principles. The Partners will use the Hawai'i-Pacific Weed Risk Assessment for initial screening of potentially invasive species. Support of the Hawai'i-Pacific Weed Risk Assessment tool and program (including assessment staff to collect information on plant biology, ecology and invasiveness, and to predict whether plants may become invasive in Hawai'i) is a priority and the Partners will work together to identify funding support for this effort.
- J. Work to establish Cooperative Weed Management Areas or a Conservation Cooperative Partnership Initiative focused on forest management including the control of invasive species.
- K. Participate in an annual interagency review of initiatives under this MOU to gauge the need for modifications or improvements to the MOU or initiatives under the MOU and/or agency-specific programs.

**NRCS will:**

- L. Authorize the use of approved Hawai'i Forest Stewardship Program management plans as forest management plans for the purposes of funding under EQIP or other appropriate NRCS programs as detailed in Section III. A.
  - 1) NRCS will work with DLNR and the USFS to revise and update the Forest Stewardship Program's management plan template to include information required for NRCS program contract agreements. Forest Stewardship management plans following this revised template and approved by the Forest Stewardship Advisory Committee will be a complete plan containing all information required for entry directly into NRCS contracting software.
  - 2) NRCS will work with DLNR to coordinate the review of submitted Forest Stewardship project proposals for NRCS program eligibility requirements.
  - 3) NRCS will notify the Partners of all joint-program forestry projects under this MOU that include financial assistance components, at least annually.
- M. Ensure that forestry-related projects, including those with approved Forest Stewardship management plans, receive a representative allocation of total available conservation technical and financial assistance each year, and consult with the Partners on an adequate level for this allocation.
- N. Assign NRCS staff to serve on the Forest Stewardship Advisory Committee convened by DLNR, and local or state work groups hosted by Partners, as appropriate.
- O. Provide technical support and program training to Partner staff, as requested, to assure that they understand NRCS programs, conservation planning policy, procedures, structural designs (as applicable), and other practices that are required to meet NRCS standards and specifications to assure proper communication is conveyed to potential participants.

**DLNR will:**

- O. In relation to the Hawai'i Forest Stewardship Program and management plans:
  - 1) Work with interested privately managed lands to develop a Forest Stewardship management plans for their property or project.
  - 2) Support and coordinate the Forest Stewardship Advisory Committee which will be responsible to review and to advise the Partners concerning approval of all Forest Stewardship management plans. DLNR will assure that staff and personnel associated with the Forest Stewardship Advisory Committee have adequate knowledge to plan and apply various forestry related practices.



- 3) Provide authorization and final approval of all Forest Stewardship management plans through the State Forester.
  - 4) Direct landowners with approved Forest Stewardship management plans to their local NRCS office for possible enrollment into an NRCS financial incentive program.
- P. Work with NRCS to revise and incorporate all necessary information that is required to initiate contract agreements under NRCS financial incentive programs into the Hawai'i Forest Stewardship Program Handbook and associated management plan templates.
  - Q. Provide training, in conjunction with USFS, to NRCS and HACD staff on forest stewardship, forestry management practices to expand capacity in the Partners.
  - R. Continue to provide technical assistance to NRCS forestry participants with approved Forest Stewardship management plans, as requested. DLNR will provide assistance to Partners, as needed, in completing forestry management plans outside of the Forest Stewardship Program.
  - S. Assign DLNR staff representation to participate on the State Technical Advisory Committee, convened by NRCS, and local or state work groups hosted by Partners, as appropriate.

**USFS will:**

- T. Provide annual financial assistance to DLNR for the administration and implementation of the Hawai'i Forest Stewardship Program as well as other State and Private Forestry (S&PF) programs directly or indirectly supporting the management of privately managed lands. USFS will also offer opportunities for additional financial assistance through the S&PF Redesign competitive grants process, including providing information about these programs to the Partners.
- U. Consult with the Partners to reconcile guidelines for annual accomplishment reporting so that Partners know how to properly report cooperative accomplishments.
- V. Facilitate forestry technical assistance to cooperative projects with NRCS, DLNR, and HACD to benefit privately managed lands, from national and regional Forest Service experts and programs including, but not limited to, the Reforestation, Nurseries and Genetic Resources (RNGR) team; Research, especially concerning silviculture; the Forest Health program; Cooperative Fire Assistance program; and forest land taxation specialists.
- W. Assign USFS staff representatives to participate on the State Technical Advisory Committee, convened by NRCS, and staff representatives to serve on the Forest

Stewardship Advisory Committee convened by DLNR, as well as other local or state work groups hosted by Partners, as appropriate.

- X. Initiate active correspondences with other USDA agencies, including Farm Service Agency and Rural Development, to explore opportunities for collaboration with national and regional Forest Service experts and programs including but not limited to biomass utilization technical experts and the Forest Products Laboratory.

**HACD will encourage Hawaii's Soil and Water Conservation Districts to:**

- Y. Cooperate and coordinate with forestry agencies in the delivery of forestry assistance to privately managed lands.
- Z. Invite partners to participate in regional and national meetings and conservation initiatives.
- AA. Assist in identification of forestry needs on a regional basis.
- BB. Collaborate with Partners in landscape or watershed planning and implementation.
- CC. Encourage Soil and Water Conservation District staff to increase their knowledge of forestry programs.

**IV. GENERAL PROVISIONS**

This MOU is effective upon the date of the last signature of the Partners and remains in effect for the life of the 2008 Farm Bill (Food, Conservation and Energy Act of 2008). This may be renewed by mutual consent of the Partners.

- A. Modification of the scope of this MOU shall be made only by mutual consent of the Partners. Issuance of a written modification must be signed and dated by all Partners, prior to implementation of any changes.
- B. 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 current mission and authorities under the statutes by which it is governed.
- C. Each of the Partners are responsible for their own activities and will utilize their own resources, including expenditure of funds, in pursuing the purposes of this MOU. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
- D. Nothing in this MOU shall obligate any of the Partners 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 the Partners' offices 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 any such agreement must comply with all applicable statutes and regulations.

- E. Any information furnished to the NRCS and USFS under this MOU is subject to the Freedom of Information Act (5 U.S.C. 552). Furthermore, any information furnished under this MOU is subject to the State of Hawaii Chapter 92F, Hawaii Revised Statutes, public records law.
- 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.

## V. AGENCY ORGANIZATION CONTACTS

The following individuals will serve as the Partners' Liaisons for this MOU.

<b>Agency</b>	<b>Primary Contact</b>
Hawai'i Department of Land and Natural Resources Division of Forestry and Wildlife 1151 Punchbowl Street, Room 325 Honolulu, HI 96813	State Forester
United States Department of Agriculture, Natural Resources Conservation Service P.O. BOX 50004 Honolulu, HI 96850	Director of Pacific Islands Area
United States Department of Agriculture, Forest Service, Pacific Southwest Region 1320 Club Drive Vallejo, CA 94592	Director, State and Private Forestry
Hawai'i Association of Conservation Districts 99-193 Aiea Heights Drive, Suite 110 Aiea, HI 96701	Executive Director

## VI. AUTHORITIES

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

- A. Department of Agriculture Reorganization Act of 1994, Public Law 103-354, 7 U.S.C. 6901-7014;
- B. Secretary's Memorandum 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994;
- C. 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);
- D. Hawaii Revised Statutes Chapter 195F and Hawaii Administrative Rules Chapter 109;
- E. Soil Conservation and Domestic Allotment Act, Public Law 74-46, 16 U.S.C. 590a-f; Soil and water Resources Conservation Act of 1997, Public Law 95-192, 16 U.S.C. 2001-2009;
- F. NASF By-Laws and Constitution;
- G. NACD By-Laws;
- H. Facilitation of Cooperative Conservation, Presidential Executive Order 13352 of August 26, 2004;
- I. USDA Department Regulation, 5600-003, USDA Roles in Market-Based Environmental Stewardship, dated December 20, 2006;
- J. Food, Conservation and Energy Act of 2008;

The foregoing accurately reflects the Agreement between the Partners. We indicate our acceptance of this document and the agreement herein by executing this Agreement.

FOR THE STATE OF HAWAII

Neil Abernethy  
Neil Abernethy, Governor of Hawaii

Date 5.19.11

FOR THE U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCE  
CONSERVATION SERVICE

Harry Yamamoto  
Harry Yamamoto, Director Pacific Islands Area

Date 5-19-11

FOR THE STATE OF HAWAII DEPARTMENT OF LANDS AND NATURAL RESOURCES

William J. Aila, Jr.  
William J. Aila, Jr., Chairperson  
Board of Land and Natural Resources

Date 5/19/11

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE UNITED STATES  
FOREST SERVICE

for Laurie Tappin  
Randy Moore, Regional Forester

Date 5/19/11

FOR THE HAWAII ASSOCIATION OF CONSERVATION DISTRICTS

Wesley Nohara  
Wesley Nohara, President

Date 5-19-11

**NRCS 69-3A75-8-107  
FS 08-MU-11132544-239**

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE**

**NATIONAL ASSOCIATION OF STATE FORESTERS**

**AND THE**

**NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS**

**AND THE**

**UNITED STATES DEPARTMENT OF AGRICULTURE,  
NATURAL RESOURCES CONSERVATION SERVICE**

**AND THE**

**UNITED STATES DEPARTMENT OF AGRICULTURE,  
UNITED STATES FOREST SERVICE**

This Memorandum of Understanding (MOU) is made and entered into by and between the National Association of State Foresters (NASF); the National Association of Conservation Districts (NACD); the United States Department of Agriculture, Natural Resources Conservation Service (NRCS); and the United States Department of Agriculture, Forest Service (FS), hereinafter referred to as “the Parties.”

**I. PURPOSE**

The purpose of this MOU is to strengthen cooperation among the Parties that results in coordinated interagency delivery of forestry-related conservation assistance to private landowners in order to sustain the health, diversity, and productivity of America’s private working lands – forest land, cropland, pasture, and rangeland. The Parties have a long-term commitment to the conservation and stewardship of the Nation’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 Forest Lands to the Nation's Welfare

The Parties recognize that healthy forests are a critical component of our Nation's landscape. Forest lands, as well as trees and forests on other working lands, provide clean air, carbon sequestration, climate change buffering; flood protection; wildlife habitat; recreation and aesthetic enjoyment. Healthy forests are also vital to clean and abundant supplies of water. Approximately two-thirds of the Nation's freshwater resources originate on forested lands. Some 180 million people in over 68,000 communities rely on these forested lands to capture and filter their drinking water. Water quantity and quality are threatened by changes in climate, 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 our Nation'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 include<sup>1</sup>:

- **Development pressures.** Economic returns from commercial forestry are often insufficient, and, as a result, landowners are increasingly pressured to convert their forest land 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.

---

<sup>1</sup> 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.



- **Landscape fragmentation.** Fragmentation of landscapes and changes in land use will continue to stress forest and rangeland 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.
- **Climate change.** Climate change may lead to land cover and land use changes, increases in atmospheric pollutants such as ozone and nitrous oxides, and potential expansion of invasive species.
- **Trends toward smaller forest parcels and more owners.**
  - Fifty-seven percent of America's forests are in private ownership (429 million acres) and 90% of owners control small, less than 50-acre tracts.
  - 10.3 million family forest owners<sup>2</sup> account for 42 percent of the Nation's forest lands (2003).
  - The reasons why people own forest land are diverse, and may include aesthetic enjoyment, or passing their land on to heirs as part of a farm or home site.
  - Only 3 percent of family forest owners have a written management plan while 16 percent have sought management advice.
  - Private lands account for over 90 percent of domestic timber harvest (2002); however, only 30% of family forest owners identify timber production as a reason for ownership.

### **Collaborating to Meet Customer Needs**

The Parties recognize that the owners of all nonindustrial private forest land (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 forest land 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 forest land.

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

---

<sup>2</sup> Family forests include lands that are at least 1 acre in size, 10% stocked, and owned by individuals, married couples, family estates and trusts, or other groups of individuals who are not incorporated or otherwise associated as a legal entity.

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, State, Tribal, regional, and other geographic scales 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:

- State forestry agencies have the primary leadership role and responsibility for delivery of forestry programs on State and private lands.
- Conservation districts carry out natural resource management at the local level and act as a liaison between private landowners and government assistance programs.
- NRCS and FS are sources 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, NASF/State forestry Agencies, NACD/conservation districts, NRCS, FS 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. The partners active in each State are encouraged to undertake an analysis which 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 forest lands 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 forest lands, 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 (e.g., at regional, State, Tribal and local levels) 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. NASF will, as appropriate, encourage State forestry agencies to:**

#### **Planning/Processes**

1. 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.

**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 their 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, FS, and NACD/State associations/conservation districts to participate in their State, regional, and national meetings and conservation initiatives.
6. Coordinate with State Technical Committees, NRCS, FS, and 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 forest land 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 State-wide 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 FS and/or State forestry agencies with 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. NACD 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 FS, NRCS, NASF, and State forestry agencies 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 NASF, State forestry agencies, NRCS, and FS in the identification of needs for forestry and agroforestry assistance on private lands, and participate in the delivery of this assistance.
4. Partner 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 NACD leadership, Natural Resources Foundation Committee, and the Forest Resources Policy Group.
6. Partner with State associations to provide the Parties with contacts for landowners/managers whose participation in conservation planning has identified the need for technical or financial assistance.
7. Foster and guide the development and implementation of MOU documents between FS and/or State forestry agencies with State soil and water conservation agencies and individual conservation districts.

**Employee Training/Education**

8. Encourage conservation district employees to increase their knowledge of FS and State forestry agency 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 State forestry agencies, conservation districts, and FS 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 FS 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 FS, State Forester or equivalent State official, and the State association of conservation districts.
7. Invite FS, NASF/State forestry agencies, and NACD/State associations/conservation districts 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, conservation district, and FS employees about NRCS conservation programs.

### **E. FS will:**

#### **Planning/Processes**

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

#### **Partnerships/Information Sharing**

2. 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.
3. Participate on NRCS State Technical Committees and subcommittees as appropriate.
4. Provide information about FS-administered programs that can assist in planning and implementing forestry-related conservation practices in

priority watersheds/landscapes identified by NRCS and other cooperators through State Technical Committee meetings and other venues.

5. Provide information from its National Woodland Owner Survey to help the Parties design and deliver effective assistance programs to landowners and address priority resource concerns on NIPF land.
6. Provide land and resource information to NRCS (e.g., forest inventory, forest health risk and condition, fire regime/condition class) to support Rapid Watershed Assessments.
7. Encourage National Forest System line officers (Regional Foresters, Forest Supervisors, and District Rangers) and Northeastern Area State and Private Forestry line officers (Area Director and Field Representatives) to collaborate with NRCS, conservation districts, and State forestry agencies to address critical resource concerns in priority watersheds/landscapes that include national forests/grasslands and private lands.
8. Engage the Reforestation, Nurseries and Genetic Resources (RNGR) team with NRCS Plant Material Centers, State forestry nurseries, and conservation districts on native plant propagation, gene conservation, and other areas of common interest to improve coordination and share expertise.
9. Conduct research, and jointly produce and promote agroforestry technology, training, and educational resources in cooperation with NRCS, through FS State and Private Forestry and Research and Development.
10. Invite NRCS, NASF/State forestry agencies, and NACD/State associations/conservation districts to participate in appropriate State, regional, and national meetings and conservation initiatives.

### **Environmental Services Markets**

11. 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**

12. Encourage FS employees to increase their knowledge of NRCS conservation programs through training and education.
13. 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. NRCS, FS, NASF, NACD 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 NRCS, FS, NASF, or NACD 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.
- F. Any information furnished to NRCS AND FS under this agreement is subject to the Freedom of Information Act (5 U. S. C. 552).
- G. 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, marital 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.

- H. 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 forest land, cropland, pasture, and rangeland.

***Nonindustrial Private Forest Lands*** – 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

NASF: Executive Director  
 NACD: Chief Executive Officer  
 NRCS: Associate Chief  
 FS: Associate Chief

## VII. AUTHORITIES

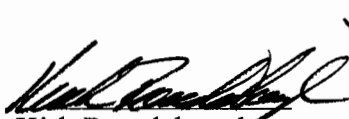
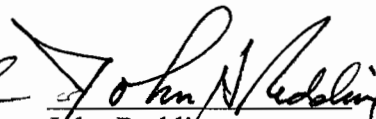
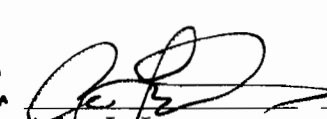
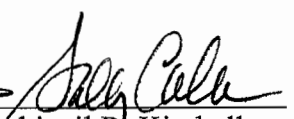
This MOU is entered into in accordance with the following laws, organization policy, and Executive Order:

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.

			
Kirk Rowdabaugh President National Association of State Foresters	John Redding President National Association of Conservation Districts	Arlen L. Lancaster Chief Natural Resources Conservation Service	Abigail R. Kimbell Chief U.S. Forest Service

9/29/08  
Date

9. 29- 08  
Date

SEPTEMBER 29, 2008  
Date

Sept 29, 2008  
Date

## **Appendix – Additional Background**

### **A. NASF**

NASF is the non-profit organization that represents the directors of all 50 State forestry agencies, the eight U.S. territories (American Samoa, the Federated States of Micronesia, Guam, the Northern Marianas Islands, Palau, Puerto Rico, Republic of the Marshall Islands, and the U.S. Virgin Islands), and the District of Columbia. Through public-private partnerships, NASF seeks to discuss, develop, sponsor, and promote programs and activities which will advance the practice of sustainable forestry, the conservation and protection of forest lands and associated resources and the establishment and protection of forests in the urban environment.

State forestry agencies are 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, State forestry agencies cooperate with FS to deliver State and Private Forestry programs and with NRCS to deliver forestry assistance to private landowners. Many State forestry agencies are 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.

State forestry agencies are 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.

State forestry agencies are responsible for comprehensive forest resource planning within their States. These plans are developed with input from partners and the public.

### **B. NACD**

NACD is the nonprofit organization that represents America's 3,000 conservation districts and the 17,000 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 the United States and its territories.

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 the national voice for conservation districts, NACD 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.

### **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 forest land 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 forest lands 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 forest land 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.

#### **D. FS**

FS, 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 wild land fires.

Through grants and cooperative agreements, State forestry agencies and other partners deliver the majority of this landowner assistance through three State and Private Forestry "umbrella" program areas that receive annual Federal appropriations: Forest Health Management; Cooperative Fire Protection; and Cooperative Forestry. Forest Health Management assistance includes conducting suppression, prevention, and management activities on native and non-native insect and disease forest pests and invasive plants.

Cooperative Fire Protection programs focus on the urgent need to reduce the threat of wild land fires in wild land-urban interface areas. Assistance is provided to complete community wildfire protection plans and to implement high priority hazard mitigation projects identified in those plans, which often includes non-industrial private forestlands.

Cooperative Forestry programs provide technical and financial assistance to complete a long-term multi-resource forest stewardship plan. Assistance is provided to forest landowners for conservation easements and other mechanisms to conserve private forests. From 2003 to 2006 the Forest Land Enhancement Program (enacted with 2002 Farm Bill) provided cost-share assistance to private landowners for forestry and



agroforestry practices, however new funding for the program ended in Fiscal Year 2006.

As stated above, the Forest Service cooperates with NRCS to support the work of the National Agroforestry Center (NAC) and through the Cooperative Soil Survey to develop and support forestry and agroforestry soil and ecological interpretations.

Through its Research and Development (R&D) mission area, FS scientists carry out basic and applied research that result in science-based applications and tools that support management of all the Nation's forests, including lands in private ownership. In cooperation with State forestry agencies, private landowners, and others, the FS R&D organization manages the Forest Inventory and Analysis Program (FIA). FIA surveys, analyzes, and reports on the status and trends in forest area and location; in the species, size, and health of trees; in total tree growth, mortality, and removals by harvest; in wood production and utilization rates by various products; and in forest land ownership.

FS R&D also is responsible for the National Woodland Owner Survey (NWOS), which is the official census of forest owners in the United States. It is aimed at increasing our understanding of private forest/woodland owners. NWOS summary information is used by people who provide, design, and implement services and policies that affect forest owners, including government agencies, non-governmental organizations, including landowner organizations, private service providers, forest industry companies, and academic researchers.

## Presidential Documents

### Executive Order 13112 of February 3, 1999

#### Invasive Species

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 *et seq.*), Lacey Act, as amended (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*), Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 *et seq.*), Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and other pertinent statutes, to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause, it is ordered as follows:

##### Section 1. Definitions.

(a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

(b) "Control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.

(c) "Ecosystem" means the complex of a community of organisms and its environment.

(d) "Federal agency" means an executive department or agency, but does not include independent establishments as defined by 5 U.S.C. 104.

(e) "Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.

(f) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(g) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(h) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(i) "Stakeholders" means, but is not limited to, State, tribal, and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(j) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam, and all possessions, territories, and the territorial sea of the United States.

**Sec. 2. Federal Agency Duties.** (a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

(3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council, consistent with the Invasive Species Management Plan and in cooperation with stakeholders, as appropriate, and, as approved by the Department of State, when Federal agencies are working with international organizations and foreign nations.

**Sec. 3. Invasive Species Council.** (a) An Invasive Species Council (Council) is hereby established whose members shall include the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency. The Council shall be Co-Chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional Federal agency representatives to be members, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the Co-Chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act, 5 U.S.C. App., to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders. Among other things, the advisory committee shall recommend plans and actions at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The advisory committee shall act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

**Sec. 4. Duties of the Invasive Species Council.** The Invasive Species Council shall provide national leadership regarding invasive species, and shall:

(a) oversee the implementation of this order and see that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species, such as the Aquatic Nuisance Species Task Force, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Committee on Environment and Natural Resources;

(b) encourage planning and action at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;

(c) develop recommendations for international cooperation in addressing invasive species;

(d) develop, in consultation with the Council on Environmental Quality, guidance to Federal agencies pursuant to the National Environmental Policy Act on prevention and control of invasive species, including the procurement, use, and maintenance of native species as they affect invasive species;

(e) facilitate development of a coordinated network among Federal agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;

(f) facilitate establishment of a coordinated, up-to-date information-sharing system that utilizes, to the greatest extent practicable, the Internet; this system shall facilitate access to and exchange of information concerning invasive species, including, but not limited to, information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental, and human health impacts; management techniques, and laws and programs for management, research, and public education; and

(g) prepare and issue a national Invasive Species Management Plan as set forth in section 5 of this order.

**Sec. 5. *Invasive Species Management Plan.*** (a) Within 18 months after issuance of this order, the Council shall prepare and issue the first edition of a National Invasive Species Management Plan (Management Plan), which shall detail and recommend performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for carrying out each of the Federal agency duties established in section 2(a) of this order and shall set forth steps to be taken by the Council to carry out the duties assigned to it under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders.

(b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the President through its Co-Chairs legislative proposals for necessary changes in authority.

(c) The Council shall update the Management Plan biennially and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the Management Plan. The Management Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Management Plan's identified goals and objectives, and the Council shall provide each edition of the Management Plan and each report on it to the Office of Management and Budget. Within 18 months after measures have been recommended by the Council in any edition of the Management Plan, each Federal agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no

less than once each 5 years after the order is issued and shall report to the Office of Management and Budget on whether the order should be revised.

**Sec. 6. *Judicial Review and Administration.*** (a) This order is intended only to improve the internal management of the executive branch and is not intended to 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 other person.

(b) Executive Order 11987 of May 24, 1977, is hereby revoked.

(c) The requirements of this order do not affect the obligations of Federal agencies under 16 U.S.C. 4713 with respect to ballast water programs.

(d) The requirements of section 2(a)(3) of this order shall not apply to any action of the Department of State or Department of Defense if the Secretary of State or the Secretary of Defense finds that exemption from such requirements is necessary for foreign policy or national security reasons.



THE WHITE HOUSE,  
*February 3, 1999.*