

# Colorado State Forest Service

## Policy and Guidelines Forest Agriculture Classification Program

**CSFS Policy I.5:** Colorado State Forest Service (CSFS) will make the Forest Agriculture Classification (Forest Ag) Program known to potentially qualified private landowners. CSFS will review plans and practices and make recommendations to county assessors for those lands according to C.R.S. 39-1-102 (1.6) (a) (II) which defines agricultural land as "a parcel of land which consists of at least forty acres, which is forest land, which is used to produce tangible wood products that originate from the productivity of such land for the primary purpose of obtaining a monetary profit, which is subject to a forest management plan."

Non-commercial activities may be employed that produce non-commercial wood product quantities as long as these activities are part of a clear management strategy to ultimately yield wood products to be sold for profit.

**I. Definitions** – The following words and phrases are frequently used to discuss the Forest Ag program and to implement program policy. Definitions include CRS Title 39 text along with CSFS interpretation language.

**"Annual Work Plan"** is an annually developed forest management plan, approved by CSFS. It outlines specific forest management practices planned for the following year. It includes applicable practice parameters and specifications such as location, acreage, design, timing, product type and quantity, etc. The work plan, based on the Forest Management Plan, should be a logical progression of needed silvicultural treatments to fully achieve the desired forest condition in a timely manner (10 years), and represents the landowner's accomplishment expectations for the following year.

**"Assessor"** refers to the elected assessor of a county or appointed successor.

**"Forest Ag"** is the abbreviated reference for the Forest Agricultural Classification program and is also used to refer to those lands enrolled in the program (i.e. Forest Ag land).

Forest **"Agricultural Land"** is private land that has been voluntarily enrolled in, and meets the minimum eligibility requirements of the Forest Ag Program. It consists of at least 40 acres of forest land used to produce tangible wood products for the primary purpose of obtaining a monetary profit and is subject to a forest management plan.

**"Forest Land"** means land of which at least 10 percent is stocked (see definition "ten percent stocked") by forest trees of any size and includes land that formerly had such tree cover and that will be naturally or artificially regenerated (see II.5.B). Ten percent stocked equates to five percent canopy cover (FIA Field Procedures Version 4.0). Forest land includes roadside, streamside and shelterbelt strips of timber which have a crown width of at least one hundred twenty feet. Forest land includes unimproved roads and trails, streams, and clearings which are less than 120 feet wide.

**"Forest Management Plan"** means an *agreement* which includes a plan to aid landowners in reaching their goals while increasing the health, vigor, productivity and beauty of their forest land through use of forest management practices. It must be written to meet CSFS Management Plan Guidelines for Forest Agriculture Classification standards and be reviewed and receive favorable recommendation by the CSFS.

**"Agreement"** refers to a signed document which: a) specifies actions accepted by the landowner and CSFS as meeting Forest Ag requirements; and b) are appropriate forest management recommendations for the identified property and the landowner intends to implement these recommendations.

**"Forest Management Practices"** are those activities accepted by professional foresters to manage forest establishment, composition, density and growth for the purpose of producing forest products and associated amenities following sound business methods and technical forestry principles.

**"Forest trees"** are woody plants having well-developed stem or stems, usually more than twelve feet in height at maturity, and having a generally well-defined crown.

**"Parcel of land"** is a land unit that may include more than one adjoining legal description, is owned by the same landowner(s), and is managed as a single unit (CRS 39-5-104 refers to a parcel).

**"Professional forester"** means any person who has received a bachelor's or higher degree from an SAF accredited school of forestry.

**"Profit"** the difference between the total revenue a firm receives from selling its outputs and its total costs of producing the outputs.

**"Tangible Wood Products"** include all forest wood products such as transplants, Christmas trees, and boughs, as well as sawlogs, posts, poles, and firewood. Active silviculture must be employed to maximize tree growth and productivity for both cellulose and non-cellulose products.

**"Ten Percent Stocked"** means that each acre has a minimum of ten percent of the optimum number of trees for the site, age, species, size and product being produced.

## II. Procedural Guidelines:

1. **Initial Landowner Eligibility/Application** – Landowners *not* currently enrolled in the Forest Ag program, who wish to be considered for program participation, must:
  - A. Own a parcel of forest land which is at least forty (40) acres (see 2-A below).
  - B. Have a forest management plan prepared by a professional forester or a natural resource professional. This plan must meet CSFS/FSP Management Plan Guidelines for Forest Agriculture Classification standards.
  - C. Submit the completed forest management plan including the first year Annual Work Plan (CSFS 338.2), a completed Forest Agriculture Inspection Request form (CSFS 338.1) and the appropriate fee to the local CSFS district office by October 1 to be considered for the following tax year.
  - D. Manage land according to their approved Forest Management Plan and Annual Work Plan to produce and market tangible wood products, consistent with the productivity of such land, for the purpose of obtaining profit.
  
2. **Eligible Land – Confirm the following prior to determining eligibility (refer to checklist, CSFS 336, for initial and continued eligibility):**
  - A. Eligible forest land consists of at least **40 forest land acres** capable of producing a wood product, and includes “land underlying any residential improvement located on such land” (C.R.S. 39-1-102). This may include multiple, contiguous parcels owned by the same legal entity. A copy of the property deed should be required from the landowner if there are questions about the 40 acre minimum and/or legal ownership.
  
  - B. The forest land is "...subject to a **forest management plan**...."
    - A long term strategy that clearly communicates how objectives will be met
    - A 10-year implementation schedule that clearly identifies practices and methods
    - Prepared by a professional forester, approved by the CSFS and meets the CSFS standards
    - Addresses forest product(s) to be removed, how they will be managed for and estimated profit generated
    - Landowner has reviewed plan, and understands plan and associated responsibility to implement plan
    - Landowner (current) signed plan

One legal entity and name as it appears on property deed is listed on plan cover page. All contiguous parcels, less than 40 acres, are collectively managed and are owned by the same legal entity. If contiguous parcels are more than 40 acres and they qualify alone, they may be written under the same management plan. However, each property must have its own implementation schedule and AWP.

- C. The forest land, a minimum of 40 acres, is being "...used to produce tangible wood products ....for the primary purpose of obtaining a monetary profit..." (C.R.S. 39-1-102).
- D. Legal access is required to property and for removal of wood products.

Eligible land includes fields and meadows converted to forest land only when such conversion is consistent with accepted forest management practices and when forest tree stocking complies with forest land definition above.

3. **Continued Landowner Eligibility/Application** – Landowners currently enrolled in the Forest Ag program who wish to continue program participation must annually:

- A. Have satisfactorily completed the Annual Work Plan submitted the prior year.
- B. Submit a completed Forest Agriculture Inspection Request form (CSFS 338.1), that year's list of accomplishments (338.3), the next year's Annual Work Plan (CSFS 338.2), and the appropriate fee by October 1 to be considered for Forest Ag Classification the following tax year. Also, approved revisions to the forest management plan (if applicable) are included.
- C. Agree with the CSFS forester upon a site inspection date and time. Landowner will be encouraged to attend or send a representative. If a consultant is involved, the landowner should encourage him/her to participate in the CSFS inspection. Landowner maintains records, keeps receipts.
- D. Continue to manage land according to an approved Forest Management Plan and Annual Work Plan to produce and market tangible wood products consistent with the productivity of such land.
- E. Where a landowner does not comply with their management plan/AWP they will be directed in writing to maintain compliance with their plan or they will not be recommended into the program.

#### 4. **Plan Review**

- A. The CSFS District Forester or designated representative will review each complete Forest Management Plan and Annual Work Plan to determine compliance with both the CSFS management plan outline and CRS 39-102 (1.6) (a) (II) intent.
- B. Forest Management Plans may be submitted to CSFS district offices throughout the year within the following limits:
  - 1. Plans submitted will be reviewed at no charge for the first review.
  - 2. Only those plans received by October 1 will be considered for eligibility and recommendation to enroll in the Forest Ag program on March 1 of the following year.
    - a. If a plan is received, for example, on September 15, 2010 and it adequately meets the forest management plan guidelines the property will be considered for recommendation in March 1, 2011.
    - b. If a plan is received, for example, on September 15, 2010 and it does not adequately meet the forest management plan guidelines, the plan is subject to section D.
  - 3. Plans received after October 1 will wait a full year to be considered for recommendation to the Forest Ag program.
- C. CSFS will review each plan and notify the landowner of its determination within 45 calendar days of the plan receipt date. If applicable, such notification will include specification of all plan deficiencies and needed improvements.
- D. An unsatisfactory plan may be revised by a professional forester or natural resource profession and the landowner will be allowed to resubmit it within the following limits:
  - 1. Plans not accepted after the first review may be revised and reviewed with the latest revision received by January 15 to be considered for recommendation into Forest Ag program by March 1.
    - a. If revised plan meets the guidelines, the property will be recommended.
    - b. If revised plan does not meet the guidelines, the property will not be recommended and must wait for consideration the following year.

2. Plans that require subsequent reviews beyond the initial review will be charged the hourly rate service fee.
- E. In the plan review process determine whether the landowner has chosen to manage less than the total operable forest land acreage. If so, limited acreage enrollment will be reported to the county assessor according to Section 6C.
- F. A qualifying property must have a minimum of 40 forested acres, capable of producing a tangible wood product. If certain portions of forest land are considered inoperable due to slope or other extreme topographic features, these features must be described and illustrated in the management plan.
- G. The District Forester will insure that when a CSFS forester has both prepared a forest management plan for and is providing the technical assistance to a landowner, a different CSFS forester will review that management plan, verify landowner compliance and document plan deficiencies (if applicable).
- H. Forest Agriculture Management Plan must be prepared by a professional forester or a natural resource professional.
- I. If a plan revision is needed, it must be documented and scheduled.

## 5. **Property Inspection**

- A. The reviewing CSFS forester will contact the landowner to arrange an inspection of the property and implemented practices. If the landowner is working with a consulting or industry forester, the inspection may be scheduled through that forester. The landowner and his/her forester are encouraged to accompany the CSFS forester.
- B. The ten percent per acre minimum is the required acceptable forest stocking level. Where stocking is only minimal, and where it's appropriate for the site, the management plan should prescribe forest management practices that address steps needed to bring less than fully-stocked acreage to an appropriate stocking level within ten years that is consistent with site productivity and species.
- C. The landowner is not required to have a forester do the work recommended in his/her management plan.

## 6. **CSFS District Recommendation**

- A. CSFS District Forester or designated representative will, by March 1 of each year, provide the local county assessor a *recommended* landowner/property list, or those lands that are eligible for agricultural classification. It will include both initial and continuing enrollees that have successfully met all program requirements. Landowner name, address,

legal description and parcel number will be provided for all landowners on the list.

- B. Also, by March 1 of each year, CSFS District Forester or designated representative will provide the local county assessor a list of landowners ***not recommended***. It will include the name, address, legal description and parcel number for all landowners who:
  - 1. Were enrolled in the Forest Ag program the previous year and applied for continued participation but who were ***not recommended*** due to unsatisfactory Annual Work Plan performance.
  - 2. Were enrolled in the Forest Ag program the previous year but did not request reinspection. In these situations the CSFS will have documented the reasons why the landowner was not recommended, and the landowner will have been advised prior to the decision.
- C. CSFS will report forested acreage to the county assessor only in those cases when the landowner has chosen to manage less than the total operable forest land acreage. In such cases CSFS will attach notification to the ***recommended*** list that includes the statement "*Landowner name* has chosen to manage only \_\_\_\_ acres of his/her \_\_\_\_ forest land acres."
- D. Landowners should be sent the information that the CSFS is required by law to provide to the county assessor regarding their property eligibility.
- E. When CSFS-held landowner documents are requested by the county assessor, or by any other individual, the documents will be provided under a qualifying Open Records Act request. CSFS must make the records available within three business days. Landowners participating in the Forest Agricultural Program should be advised that CSFS is subject to the Colorado Open Records Act and cannot guarantee confidentiality of their records. See Section F.1 of the CSFS policy manual.
- F. The CSFS reports to the county assessor those properties that are eligible and not eligible for forest agricultural classification. For those properties not recommended, or for those that did not request reinspection, and who wish to participate in the program, they need to:
  - 1. assure compliance with their management plan
  - 2. reapply for classification by October 1<sup>st</sup> of that year.

## 7. **CSFS District Reporting/Records**

- A. CSFS District Forester or designated representative will maintain a case file for all landowners who submit a forest management plan for Forest Agriculture Classification. Case files will be maintained as long as the case is active and for a period of five (5) years from when a file becomes

inactive. Reasonable efforts will be made by CSFS, to the extent authorized by law, to maintain the confidentiality of case files.

- B. Each landowner will be notified in writing of CSFS recommendation to the county assessor. If the property is *not recommended* for Forest Agriculture Classification, the reason(s) for that recommendation will be listed in the notification.
- C. The District Forester or designated representative will send a copy of the *recommended* and *not recommended* lists for each county to CSFS Management Division Staff Forester by April 1. Additionally, the District Forester or designated representative will send forested acres and total acres for each respective recommended property organized by county to the CSFS Management Division Staff Forester by April 1.

8. **Application/Inspection Fee**

- A. The application fee is determined by the CSFS, based on property size and an upper limit, and is stated on the inspection request form and in CSFS pricing policy.
- B. For property in more than one county and/or District:
  - 1. If more than one District is involved, Districts need to convey workload, and the fee is sent to the District of the inspecting forester.
  - 2. District will report to each respective county the list of eligible and non-eligible landowners.