

# THE TOP TEN FAMILY FORESTRY ISSUES FOR 2020

## The Top Five Concerns, and the Top Five Priorities

Since 1986 NWOA has ranked the top ten family forestry issues with an annual vote by the leaders of NWOA state affiliates—the Alliance of Landowner Associations. Analysis of the responses for 2020 revealed that the Top Ten Forestry Issues are best described as the Top Five Concerns and the Top Five Priorities for family forestry in the U.S. This is apparent when the rankings are compared by the four forest zones: Northern, Eastern, Western and Southern (see page 14). For example, wildfire is not a high ranking concern in the eastern and northern zones, it is clearly a national priority, ranking #2 behind Extension and Service Forestry. As expected, access to markets continued to be the #1 concern followed by Invasive Species. A second change this year is the addition to two “free agent” issues to the ballot: Climate Change and Certification, to provide consideration of emerging issues. Certification replaced Wildlife, while Climate Change did not make the final cut.

### The Top Five Concerns for 2020

#### CONCERN #1 MARKETS: TIMBER, BIOMASS & INDUSTRY VIABILITY

##### NWOA Objectives:

- Recognize and support new markets and protect existing markets for forest products
- Support industry viability and training for forestry workers and truck drivers
- Monitor performance of the US-Canada Softwood Lumber Agreement (SLA) and the United States-Mexico-Canada Agreement (USMCA)
- Expand biomass markets for low quality timber.

### Results in 2019:

After years of acrimonious debate, the US-Canadian Softwood Lumber Agreement and the United States-Mexico-Canada Agreement (USMCA) were approved by all three nations to help restore some semblance of trade with these important wood products market partners. The trade war with China resulted in a worse than feared decline in international trade of timber and wood products, with significant financial harm to the hardwood industry in the eastern states. The Hardwood Federation, of which NWOA is a member, worked

effectively with the Hardwood Export Council to keep the hardwood trade issue before the Administration’s negotiators, and to focus the attention of key members of Congress to resolve the issue and reduce or eliminate the many new tariffs instigated in the prolonged dispute.

### Outlook for 2020\*:

Worldwide disputes in trade pose serious concerns well beyond markets for timber and wood products. There is widespread agreement that fair trade with minimum subsidies, no product dumping, and improved security are essential for all US growers and manufacturers of wood products. For this reason, NWOA has a strong interest in the health of the American forest industry. To be competitive wood product mills need some forms of commitment of a dependable wood supply chain to justify the investment needed to construct and manage efficient mills.

*\*The advent of the COVID-19 pandemic in 2020, and resulting market disruptions, will have additional consequences for the global trade in wood products. Recovery efforts, if well-planned and applied, should encourage a return of viable markets for forest products. From toilet paper to lumber, wood is an essential staple worldwide.*

## CONCERN #2 INVASIVE SPECIES AND FOREST HEALTH

### NWOA Objectives:

- Encourage research, technology transfer, and education programs to enable landowners to recognize and control invasive species
- Report latest information in National Woodlands magazine by focusing on problems found in each of the four forest NWOA regions according to each quarterly issue
- Maintain current cost share programs designed to control invasive species
- Support new Extension Education programs to help landowners recognize and remove invasive species
- NWOA will continue its support for the Coalition Against Forest Pests (CAFP), an organization providing reliable information to members of Congress and others about imported forest pests and restoration of healthy forest ecosystems.

### Results in 2019:

The invasion of harmful plant and tree species continued in 2019. New identification and control efforts by landowners help slow invasives, but the threat continues, compounded by drought stress and urbanization.

### Outlook for 2020:

Invasive Species is the #2 Concern of woodland owners because these organism will continue to change the nature and productivity of woodlands. Most recently the emerald ash borer (EAB) has virtually eliminated white and green ash trees throughout most of the U.S. and is now found in Canada. The European gypsy moth, Asian gypsy moth and the newest marauder, the spotted lantern fly will continue to be very destructive to eastern and northern hardwood forests. Programs to address these pests as well as control of oak dieback, strategies against bark beetle infestations, and the impacts of hemlock woolly adelgid will need to continue or expand.

## CONCERN #3 INCOME, ESTATE & PROPERTY TAXES

### NWOA Objectives:

- Continue National Woodlands magazine's coverage of the federal tax code and states that provide important tax benefits to woodland owners.
- Keep a watchful eye in Washington, D.C. to maintain their current tax advantages on which forest landowners depend
- Continue to encourage woodland owners individually and within state associations to monitor state and local tax proposals, and advocate for favorable lands use property tax rates.

### Results in 2019:

Taxes on timber, estate and real estate have been a top concern since the NWOA Family Forestry Issues Top 10 was first introduced in 1986. After years of effort by the forestry community, federal tax laws in 2019 were favorable including capital gains tax rates for timber, recognition of forestry expensing, maintenance of the stepped up cost basis at time of death, and elimination of inheritance taxes for all but the largest estates. In 2019 several state legislatures attempted, by various means, to increase property tax rates. All were defeated, or continued to next year, most often because of intervention by the state landowner association.

### Outlook for 2020:

The first two taxes, timber and estate, are federal issues and some states also tax both. States usually take their information from federal income tax returns. Only one federal tax proposal so far in 2020 would negatively affect current funding for landowner assistance. It is being monitored.

## CONCERN #4 THE RIGHT-TO-PRACTICE FORESTRY & REGULATORY CREEP

### NWOA Objectives:

- Watch for any new federal legislation and regulations that might negatively impact property rights
- Encourage every state landowner association to enact comprehensive right-to-practice forestry laws, and monitor them for any new actions that might weaken them
- Urge state associations to be alert for regulatory creep involving state and county management regulations. Examples: reduced weight limits on bridges, time of day work restrictions, and objection to specific forestry practices including clearcutting and others.

### Results in 2019:

In 2019 NWOA's signature Outstanding Forestry Law of the Year Award went to the Washington state Working Forests Clarification Act of 2019 (HB 1011). The legislation required that all future real estate disclosure documents involving sale of land disclose the presence of any nearby property classified as a working forest and subject to the provision of the Washington State's Right to Farm Act, which includes forestry. The purpose of the law was to provide non-forest landowners who move into rural woodland areas with information on the forest practices that will take place around them. The bill passed both the House and the Senate unanimously, and was readily signed by the Washington governor.



## Outlook for 2020:

With urban sprawl and rural area development, it is important that every state have an existing right-to-practice forestry law containing a clearly defined working forest clarification and definitions section. The objective of these laws is to discourage lawsuits brought by neighboring property owners objecting to forest practices. It will also eliminate, or at least reduce, the expense to the woodland owner of defending such lawsuits in court.

## CONCERN #5 KEEPING FORESTS AS FORESTS

### NWOA Objectives:

- Continue endorsement of the concept of keeping forests as forests (defined by the USDA Forest Service in 2014)
- Promote awareness of the benefits to society including clean water, timber supply, habitat for wildlife, natural beauty, and other ecosystem services
- Promote the use of landscape-scale management planning by woodland owners and managers
- Foster a working forest land base to ensure a continuous source of wood for forest products mills
- Keep woodland owners updated on certified forestry programs for those who wish to participate in them
- Encourage the use of professional foresters when preparing management plans and timber sales
- Support accredited logger training and safety programs.

## Results in 2019:

Recognition of the concept and importance of keeping forests as forests continues to grow was covered in the 2019 Top Ten. NWOA introduced the concept to our readers back in 2009. Since then the negative consequences of the conversion of forestland through parcelization (dividing up larger tracts into smaller lots), fragmentation (effect of breaking forest cover

into disconnected units), and loss of wildlife corridors continue. A state-based example of planned action to maintaining forests amid land use changes was the crafting and passage of the Washington State Working Forests Clarification Act signed into law on April 8, 2019.

## Outlook for 2020

Keeping Forests as Forests is a broad concept that documents land parcelization (dividing up larger tracts into smaller lots), fragmentation (effect of breaking forest cover into disconnected units), and maintaining wildlife corridors. Also involved is water quality and supply, maintaining a wood source for mills, and issues. Family woodland owners are involved because they own nearly half of the private woodlands in the U.S. When woodland owners participate in one or more forest practice certification programs and take advantage of conservation easements they show their commitment to keeping forests as forests.

## The Top Five Priorities for 2020

### PRIORITY #1 EXTENSION EDUCATION & SERVICE FORESTRY

#### NWOA Objectives:

- Encourage closer connections among Cooperative Extension forestry and natural resource programs, and the county, state and regional landowner associations, both of which should be part of a woodland owner's management team
- Likewise with state-based service foresters and agencies which provide assistance services, education, and incentive programs
- Work with Congress to support federal appropriations for the Renewable Resources Extension Act (RREA) and the Forest Stewardship Program with its direct link to service forestry funding
- Collaborate with the national associations within the forestry network in Washington D.C. to provide additional support (learn more on page 16 of this magazine)
- Encourage state associations to partner with forestry school deans (NAUFRP.org) and state forestry agencies (stateforesters.org) in promoting service forestry, wildfire, cost share, and forestry inventory
- Work with the Natural Resources Conservation Service, the Farm Service Agency, and the National Association of Conservation Districts to provide access to conservation and cost share programs.

## Results in 2019:

The annual budgets for several state forestry agencies declined in 2019, others remained steady and some grew. Some of those states in decline were reduced

to pre-1999 levels. While many state forestry roles are mandated by law, others are discretionary. Service forestry programs continued, but with fewer foresters having to cover additional counties, as budgets are squeezed. Extension forestry programs with line federal funding (RREA) remain active and some have seen positions filled which had been left open following retirements or transfers.

### Outlook for 2020:

Both Extension education and service forestry are highly regarded and used by family woodland owners. At the national level, NWOA endorses the annual requests submitted by the National Association of State Foresters (NASF), along with the full federal Extension education funding requested by the 80-member National Association of University Forest Resources Programs (NAUFRP). While landowners are finding it more difficult to schedule a visit from a service forester, or Extension foresters, the commitment to continue these programs will continue, especially if the leaders get good reports from landowners receiving them.

## PRIORITY #2 WILDFIRE MANAGEMENT & SUPPORTIVE FUNDING

### NWOA Objectives:

- Continue to educate and raise awareness of overstocked forests, development within the wildland urban interface (WUI), use of prescribed fire, application of Fire Wise program strategies, and the correlation between forest health and fuels
- Promote strategies that lead to the earliest possible detection followed by prompt and successful initial fire incident attack
- Increase training and involvement of rural fire protection districts, TRES wildfire training programs, and use of the InciWeb, the interagency all-risk incident information management system
- Partner with state forestry agencies to help woodland owners implement the all principles of wildfire prevention
- NWOA will urge state landowner associations to be involved at the county and local level to provide quick and successful response to wildfires.

### Results in 2019:

In the U.S the extensive wildfires of 2018, especially the Paradise Fire in California, demonstrated the dangerous potential for wildfires to the world. As a result improved federal and state appropriations for fuel reduction, additional staffing and new equipment were funded. Much of this new activity is happening at the rural fire district level, the source of most of the initial response for the benefit of woodland owners.



### Outlook for 2020:

Wildfire conditions will be challenging in 2020. Weak links continue including the lack of volunteers and staff in the rural fire districts. Within the wildland urban interface these positions are often filled by urban volunteers wanting to make a contribution to conservation. Drought stress, invasive species, and increasing urbanization will all contribute to the potential for wildfires.

## PRIORITY #3 STEWARDSHIP INCENTIVES: COST SHARING & TAX CREDITS

### NWOA Objectives:

- Educate woodland owners about current and new cost sharing and incentive programs including those that lead to increased public benefits including water quality, timber jobs, and control of invasive species
- Support the use of conservation tax credits authorized the enhanced federal tax incentive for conservation easement donations in the 2015 (keeping family woodlands intact by donating the development rights and reduce property taxes).

## Results in 2019:

Congress continued to fund cost share programs authorized in the Farm Bill. These important federal tax credits for conservation easements continued to be available and can be spread out over several years.

## Outlook for 2020:

Since the enactment of the 2015 tax incentives for land conservation, tax schemes known as “syndicated conservation easements” are being marketed that declare overvalued and questionable tax benefits. NWOA is a member of the Land Trust Alliance ([landtrustalliance.org](http://landtrustalliance.org)) that has called attention to and is monitoring these abuses. The use of legitimate conservation credits in planning family woodland estate planning is recommended.

## PRIORITY #4 WATER QUALITY & QUANTITY

### NWOA Objectives:

- Encourage state and federal agencies to provide incentives to facilitate good watershed management
- Support 95% voluntary compliance with best management practices associated with logging and road building
- Identify emerging markets and incentives to produce clean water

## Results in 2019:

The significant decision in 2017 by U.S. Supreme Court to uphold the silvicultural exemptions in the Clean Water Act, has slowed, but not deterred allegations of water pollution from logging roads. On February 14, 2019 the EPA and the U.S. Army Corps of Engineers issued their proposed revision to the 2015 definition of the waters of the United States (WOTUS). The new definition significantly reduces the amount of streams and wetlands under federal jurisdiction. Following a public review period, EPA and the Corps of Engineers published a final rule October 22 repealing the 2015 definition. On December 23 the revised WOTUS rules went into effect.

## Outlook for 2020:

In January the Corps of Engineers finalized the Navigable Waters Protection Rule. The definition is streamlined so that it: 1) includes four simple categories of jurisdictional waters, 2) provides clear exclusions for many water features that tradition have not been regulated, and 3) defines terms in regulatory text that have never been defined before. This narrows and further defines the options that litigators have when challenging WOTUS. As the cost of treating potable water increases in most parts of America, premiums paid for clean and sustainably sourced water may appear. Woodland owners will play an indirect role, but a critical one, as their woodlands both filter and management water quality.



## PRIORITY #5 CERTIFYING FORESTS, FORESTERS, AND LOGGERS

### NWOA Objectives:

- Work with American Tree Farm, Sustainable Forestry Initiative (SFI), and Forest Stewardship Council (FSC) as reliable third party forest practices certifiers in the U.S.
- Advocate for improved standards and adherence by forestry and natural resources professional certification programs: Society of American Forester's Certified Forester (CF), and Association of Consulting Foresters (ACF) where members attend the Professional Forestry Institute (PFI)
- Support efforts to provide states license or registration of professional foresters
- Support training of loggers beyond simple safety programs to include water quality BMPs, ethics, and chain of custody for certifying wood.

### Results in 2019:

Although the cost to the landowner of forest certification was originally opined to be offset by higher stumpage prices, that rarely happened. Better market access for certified wood waxed and waned, often

relating to influences of ports, tariffs and mills. There are still significant variations of acceptance of the certification source depending upon the contract.

### Outlook for 2020:

Look for improved markets for certified wood, particularly in world trade. Consulting and public foresters are certified by several programs, each which operates independently. Expect to see more chain of custody requirements through the three major wood certifications programs listed in the first bullet point above.

### A Few Final Words of Thanks

In summary, the results for 2020 show just how stable our family forest owners are in their management and opinions. It is just another characteristic that makes woodland owners so important to the economic, cultural and social pillars of sustainable forestry and the backbone of our country. I would like to take this opportunity to thank all of the leaders of the NWOA Affiliate organizations throughout the U.S. for their contribution to the ranking survey again this year. We couldn't do it without you!

Dr. Keith A. Argow, President NWOA

## The Top ten Family Forestry Issues in the U. S. as Ranked\* By Each NWOA Region



	North	East	South	West	National Average	
					2020	2019
<b>Top Concerns:</b>						
Access to Markets	8	2	4	2	1	1
Invasive Species	2	1	7	3	2	3
Taxes	6	3	1	4	3	4
Property Rights	1	6	3	5	4	5
Keeping Forests as Forests	5	4	2	7	5	7
<b>Top Priorities:</b>						
Extension and Service Forestry	7	9	6	9	6	2
Wildfire Funding & Management	—	—	5	1	7	9
Cost & Tax Incentives	4	7	10	8	8	6
Water Quality	9	8	8	6	9	8
Certification: Forest, Forester & Logger	3	10	9	10	10	—
(Wildlife)	—	(5)**	—	—	—	10
(Climate Change)	(10)**	—	—	—	—	—

\*The lower the score, the closer the topics are to being the highest rank possible.

\*\*The Northern region ranked Climate Change ahead of Wildfire. The Eastern region ranked Wildlife higher than Wildfire.