



Puerto Rico Forest Legacy Program
Landowner Application

IMPORTANT - PLEASE READ!

Thank you for considering the Forest Legacy Program (FLP), for the protection of your forested lands. Our goal is to protect the forest resources of high ecological value in Puerto Rico that are threatened by conversion to non-forest uses and that meet the eligibility criteria established for the program. This program is highly competitive and their funds are limited. Projects that make it through Puerto Rico's evaluation and ranking process will be forwarded to the US Forest Service and entered into a regional, then national evaluation process. Each year, only one (1) or two (2) projects of Puerto Rico could be financed and become a reality. We remind you that the acquisition is made based on a voluntary sale ("willing seller") and eminent domain will never be used.

Patience is the most important virtue that applicants can possess as their application goes through this administrative process. It is not unusual for a project to take over eighteen (18) months from the time of being ranked on the state level to the scheduled closing. The more work that is completed ahead of time, the quicker a closing can be expected.

There are many aspects to being selected and ranked high enough to be funded. One aspect, and probably the most important, is the quality of the forest resources of the tract. The evaluation process investigates the quality of the fish & wildlife habitat, if there are resources of cultural, historic, or scenic significance, and whether or not conservation of the parcel contributes to the protection of public drinking water supply values. Each of these values is a reflection of the parcel and there is little if anything that a landowner can do to improve the attractiveness of the project based on these criteria.



In all cases, the Owner is informed of the fair market value of the property. The value is determined following federal pricing rules "Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA)" also known as "Yellow Book" and said value shall be the maximum price to pay. Owners can negotiate a selling price below the price of appraisal, which will need further consideration. Applicants must be informed about the current value of his estate on the market.

Also considered in the evaluation of a proposed project, is the amount of support for the protection of the parcel, as evidenced by written letters from governmental agencies, individuals, or non-profit organizations. Examples would be local, state, or regional land trusts, the local conservation commission and planning department, etc., and state or local representatives and/or congressman. The level of support is also considered. For example, has the supporter agreed to commit funds for the project, or to have the appraisal, land survey paid for? Each of these criteria is considered and we will like to know it.

Another aspect given careful consideration is the potential of conversion of the land to non-forest uses. It is up to the property owner, through the answers provided to the questions in the application to establish the threat for the potential conversion. Most applicants will not be aware of all the organizations, agencies, plans, and strategies that may be applicable to conserving their parcel. That is why it is important to talk to the local Municipality's Planning Department, Permits Management Office (OGPe, in Spanish) and/or the Puerto Rico Planning Board in order to assess potential development pressures through request for zoning changes and/or site consultations ("consultas de ubicación") that might cause the conversion of the land to non-forest uses. In addition, the Forest Legacy Committee will not only evaluate and prioritize potential projects, but also use their expertise and diverse knowledge to add to the quality of the project should it be selected for funding consideration.

So, what makes a good application? Without a doubt it's the amount and quality of the information that you provide about your land, how it fits into local, state, and/or regional land protection strategies, what is the threat of its conversion, who supports its protection, and what is that level of support. Most of this information requires the applicant to do a lot of legwork,



talking to local conservation groups, and town officials, and really thinking about the answers posed in the application. Take your time, be thorough, and include as much supporting evidence as you can get your hands on. Most of all be patient and don't get discouraged if your parcel does not rank at the top. You can amend your application to make it more desirable, add more supporters if they're willing, and always re-apply!

Fee simple real estate acquisitions performed by the Department of Natural and Environmental Resources (DNER) are governed by the following:

1. Regulation # 8816 on September 19, 2016 – New Regulation for the Acquisition of Real Estates and Rights of the Department of Natural and Environmental Resources
2. Executive Order #2004-04 – Executive Order of the Governor of the Commonwealth of Puerto Rico to revise the guides and procedures applicable to all agencies of the Executive branch in the preparation of appraisal reports and market studies for the purchase and lease of real estate to be devoted to public purposes, in order to clarify the scope of its application and modify several of its provisions and to repeal the Executive Order No. 29 of June 30 of 2001.

An owner's affidavit attesting to the absence of mechanic's or material men's liens, boundary line disputes involving Seller which might affect title to the Property, or parties in possession other than Seller and such lessees or licensees as may be in possession pursuant to ground leases, might be requested by the DNER. Unless an alternative agreement is reached, seller shall deliver to the DNER (Purchaser) at closing the following documents:

- i) negative tax certifications from the Center for the Collection of Municipal Revenues ("CRIM") stating that all real property taxes assessed by CRIM for the Property and owed by Seller through the date of Closing have been paid in full;
- ii) an informational notice ("Planilla Informativa") addressed to the Treasury Department of Puerto Rico notifying the Treasury Department of the sale of the Property; and;
- iii) a Change of Ownership Notice addressed to CRIM.



DNER (Purchaser) acknowledges that at the time of closing, the Deed of Sale from Seller to Purchaser will include a restriction substantially in the form as follows:

The Appearing Party expresses and accepts that the Property is being acquired with the contribution of federal funds assigned by the Forest Legacy Program, PL 101-624, 104 Stat. 3359, USC 2103c, Department of Agriculture of the United States of America Forest Service. The Property cannot be sold, exchanged, or disposed of, except in compliance with Section 5A, without reimbursing the federal government of the market value of the property as per sold. Nevertheless, the Secretary of Agriculture of the United States of America, can authorize said transaction if the proposal is considered of the same value by the Appearing Party is acceptable for the Secretary of Agriculture.

APPLICANT INFORMATION:

Landowners' names: _____

Mailing Address: _____

Daytime Telephone Number: _____

Email address: _____

AUTHORIZED REPRESENTATIVE: If the property has more than one owner (e.g. community of heirs, partnership, etc.) or belongs to a legal entity (corporation, company of limited liability, special partnership, etc.), the applicant must present the document that legally authorizes to submit the application (e.g. to Power of Attorney, corporate resolution, etc.)

Name of Authorized Representative: _____

Mailing Address: _____

Daytime Telephone Number: _____

Email: _____



PROPERTY INFORMATION (Contact Puerto Rico Planning Board, local Municipality's Planning Department or Local Zoning Official When Necessary)

Town where property is located: _____

Property Location: _____

Lot Plan (Lambert NAD-83 coordinates) and land registry map (these documents are to be delivered in paper and digital-DWG format):

Deed Reference (lot number, book and page number): _____

Registry of Property Certification or Title Search Report: _____

Number on Nearest Utility Pole: _____

CRIM Number: _____

Lot Size _____

Property is currently zoned (Please check):

Residential Commercial Agricultural Conservation Other _____

If you have a recent appraisal attach if available

Total Price Offered: \$ _____

Forested: Acres _____ or Cuerdas _____

Non-Forested: Acres _____ or Cuerdas _____

IF NEEDED USE ADDITIONAL SHEETS TO ANSWER THESE QUESTIONS:

TYPE OF ACQUISITION

All transactions are based on the concept of voluntary sale between a willing seller and a willing buyer. The eminent domain process is not used. When the State acquires the property by fee simple, it acquired all rights of property. Only fee simple acquisition shall be taken into account in cases in which the property has outstanding natural resources.



FINANCIAL INFORMATION

If you have an appraisal for reference, state the fair market value for the fee simple title to be enrolled in the Forest Legacy Program, and the method used to determine that value (appraisal, landowner estimate, tax value, etc.). Attach appraisal (a valid appraisal must meet the "Uniform Appraisal Standards for Federal Land Acquisitions", also known as "Yellow Book". (*Other appraisal methods, although valid for Uniform Standards of Appraisal Practice, are not valid for most federal land acquisitions including those through the Forest Legacy Program*).

What is/are the estimated sale price(s) of the fee simple title being offered?

State the value of the landowner(s) contribution, if any, either in donated value or in-kind services.

QUESTIONS

(Attach extra sheets if necessary)

1. Describe your long-term goals and objectives for this parcel:

2. Describe the "Traditional" use(s) of this forest land.



3. One of the goals of the Forest Legacy Program is to prevent forest fragmentation and to maintain viable working forests and forest systems. How will the acquisition of fee simple title of your property address these issues?

4. Is your parcel identified in the Forest Legacy Assessment of Need as: Referred to Appendix B (Check one)

- "Caonillas-Dos Bocas" "El Yunque" "Guánica" "La Plata-Coamo"
 "Maricao" "Maunabo" "Quebradillas" "Río Grande de Loiza"

5. Is it situated along a road either designated locally or by the state Department of Transportation as scenic?

- YES NO

6. Does it include locally important panoramic views or exceptional short views as demonstrated in local or state resource planning guides? If so, describe, and state source.

7. What public recreational opportunities will be provided/enhanced by this acquisition?



8. How will this acquisition enhances the value of public drinking water supply?

9. Does your parcel contain any significant plants, fish and wildlife habitat values?

10. Are you aware of any cultural/historic values?

11. What, in your opinion, is the "Threat of Conversion to Non-Forest Use" of the parcel proposed for acquisition by the Forest Legacy Program? Be specific.

If you are currently following a written forest management plan PLEASE PROVIDE A COPY.



STATE FOREST STEWARDSHIP COORDINATING COMMITTEE LANDOWNER INSPECTION APPROVAL & RELEASE FORM

I/We, as the land owner(s) agree to allow inspection, appraisal, and survey of my property being offered for consideration under the Forest Legacy Program. I agree to allow members of the Puerto Rico Stewardship Coordinating Committee or their designated staff, to inspect the property, as may be required, at any time. The State Forest Stewardship Coordinating Committee will notify such visits in advance and attempt to coordinate with the landowner when possible.

I understand that, should the negotiations not result in an amicable sale, there **will not** conduct an eminent domain of my land.

I/We understand that the information provided herein becomes the property of the Commonwealth of Puerto Rico, and will not be returned.

I/We understand and agree that information contained herein may be used in part or in whole, to provide interested parties with details and specifics of the proposed project. Every effort shall be made to keep the project and its details as anonymous as possible, given the informational requests received.

Signature of Landowner(s)

Date



FOREST LEGACY PROGRAM - Checklist

With your Forest Legacy Program application package, please submit four applications (one original) of the following for each non-contiguous parcel:

- Completed application (incomplete applications will not be considered).
- Signed consent agreement.
- Map (State Highway, USGS Topographic, Street Atlas, e.g.) showing location of parcel in relation to nearest major town roads, as well as proximity to already protected open space, public or private, or other significant ecological feature or item that the Forest Legacy Coordination Committee should be aware of when considering your application.
- Legal description if available, and/or copy of deed.
- List of any known encumbrances or liens existing on the property including, but not limited to, contracts, leases, or outstanding rights not on record.
- A plan or map of the property. (In paper and digital format using Lambert NAD83 coordinates).

Plan-map Requirements:

To approximate scale Lambert NAD 83 (shown), North arrow, dated, and titled identifying the area to be included in the Forest Legacy Program, and the area(s) to be excluded from the program (if any), with approximate acreage shown.

Depicting forested and non-forested areas such as fields or gravel pits, approximate location of wetlands, bogs, ponds, marshes, etc., dams, dumps, waste disposal sites, wells, roads (labeled), trails, and any other structures or permanent improvements, etc., or any other feature that the Forest Legacy Coordinating Committee may find useful in the evaluation of your application.

Optional but recommended materials: (Include as many as possible)

Letters of support for the project, including commitment of funds (if applicable), from:

- Local Land Trust and/or Conservation Commission
- Town Official(s) (Planning and/or Zoning Board, Mayor, Town Council President, etc.)
- Local Representative
- State Conservation Group or Governmental Organization



- ❑ Congressional Representative (Senator, Representative, or both)
- ❑ Regional Conservation Group or Governmental Agency (The Nature Conservancy, Environmental Protection Agency, etc.).
- ❑ Non-governmental Organizations (NGO's)
- ❑ Community-based Groups

**All materials become the property of the Commonwealth of Puerto Rico and are non-returnable.*

References: Forest Legacy User's Guide

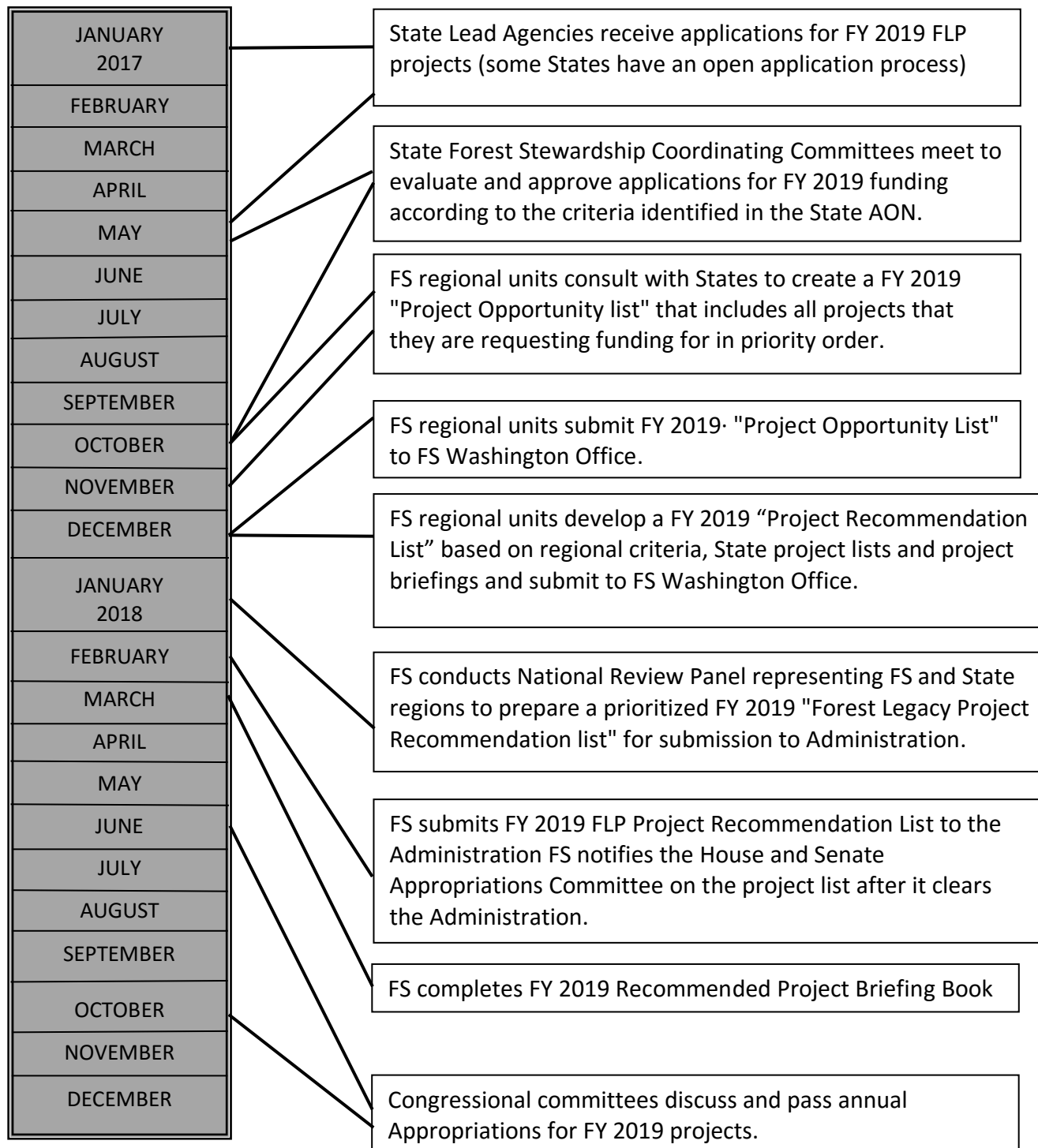
***In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulation and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.*

****This publication made possible through a grant from the USDA Forest Service.*



APPENDIX A - Example of a Project Selection Calendar

This flowchart outlines the basic FLP Project selection process. [FS = "Forest Service":
 FLP = "Forest Legacy Program"]



APPENDIX B- Map of the Puerto Rico Forest Legacy Areas (FLA)

(IMPORTANT: Please identify where your property lies within.)

Áreas de Legado Forestal en Puerto Rico
 Instituto Internacional de Desarrollo Tropical del Servicio Forestal del Departamento de Agricultura de los Estados Unidos

USDA
 PROYECTO GAP DE PUERTO RICO
 PRGAP ANALYSIS PROJECT
 ITF GIS and Remote Sensing Lab

QUEBRADILLAS
 CAONILLAS - DOS BOCAS
 MARICAO
 GUANICA
 RIO GRANDE DE LOIZA
 LA PLATA - COAMO
 EL YUNQUE
 MAUNABO

Áreas de Legado Forestal
 Áreas protegidas
 Municipios

SCALE: 1:200,000
 1:1" = 1000'

OCEANO ATLANTICO
 OCEANO PACIFICO

Como resultado de una evaluación de las necesidades de conservación de los recursos forestales de Puerto Rico, se identificaron ocho Áreas de Legado Forestal. Estas son: Guánica, Maricao, Quebradillas, Caonillas-Dos Bocas, La Plata-Coamo, Río Grande de Loiza, Maunabo y el Yunque.

El Programa de Legado Forestal brinda ayuda técnica y económica a propietarios de terrenos privados dentro de estas áreas forestales de importancia ecológica para promover la conservación mediante la compra o donación de terrenos.

