

The story
of the Randolph
Community Forest:
Building on local stewardship

SECURING ACCESS THROUGH COMMUNITY OWNERSHIP

BY DAVID L. WILLCOX

The Randolph story describes the process that led one community to **acquire the rights to own and manage the major portion of the town's productive forest land base** and secure access for recreational use and forest management activities. Important elements of the story include:

- 1) the **cooperation and coordination** of partners from both the private and public sector;
- 2) the **importance of government programs and legislative instruments** such as the Forest Legacy Program and state statutes that enable the establishment of a town forest;
- 3) the **critical role of local management tools** such as the Randolph Master Plan; and
- 4) the **importance of civic capacity and leaders** in achieving community goals.

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Overview

On Tuesday, December 4, 2001, the town of Randolph, a community with a voting population of fewer than 300 persons, became the owner of the largest town forest in New Hampshire. For on that day the town received title to a tract of over 10,000 acres of land, or roughly one-third of the town's total land base, as well as a smaller holding in the neighboring town of Jefferson. The town of Randolph owns the land subject to a conservation easement held by the state. The acquisition of the forest was, for town officials, the culmination of an effort that had started four years earlier when it was learned that the owner of the land had submitted an application to enroll its local landholdings in the federally funded Forest Legacy Program (see box, next page).



The town of Randolph, New Hampshire, is now the owner of the largest town forest in New Hampshire.

Background and history

For more than a century, much of the forest land in Randolph had been owned and managed for industrial timber harvesting. In 1995, its most recent owner, Hancock Timber Resources Group (Hancock), filed an application to the Forest Legacy Program.

It must have seemed to Hancock that the program offered a win-win opportunity for the company. Hancock would be paid handsomely for preserving the forest while retaining the right to continue to harvest timber. The company might need to agree to some restrictions aimed at promoting responsible forest management practices, but that was a small price to pay. It might need to guarantee public access for traditional recreation, but public access was already allowed, except where active harvesting operations were taking place.

Moreover, Hancock would be making a gesture that would be very popular within the environmental community. The protection of this particular tract of land had long been sought by environmental advocates because of its visibility from the hiking trails on the main range of the White Mountains and because it would provide a north-south conservation corridor connecting two portions of the White Mountain National Forest (WMNF).

The Forest Legacy Program provides funding for conservation easements of forest land that is threatened with development. In 1995, the Hancock Timber Resources Group applied for an easement on the forest land around Randolph.

FOREST LEGACY PROGRAM



The Forest Legacy Program (FLP) was established by an act of the United States Congress in 1990 and revised with a 1996 amendment. The program provides grants of up to 75% of the cost for fee acquisition or purchase of conservation easements of valuable forest land that is sensitive or threatened with development. Forest land is threatened when population growth or other changes in the characteristics of an area cause the development value of land to rise well above its forest use value. This creates an incentive to convert the land to other uses.

The FLP is administered through a partnership with the federal government, specifically the United States Forest Service (USFS), and those states that opt to join the program. Twenty-four states and Puerto Rico currently qualify for Forest Legacy funds (CA, CT, DE, HI, IL, IN, MA, MD, ME, MN, MT, NC, NH, NJ, NY, PR, RI, SC, TN, UT, VA, VT, WA, and WI). Six states are in the process of developing Forest Legacy plans (AL, GA, IA, MI, NM, PA) and three more (AR, CO, and NE) have expressed interest in the program. The program has conserved over 120,000 acres of environmentally important, working forest land.

The federal role in the partnerships is to establish guidelines for determining which forest lands need protection and to provide money for doing so on a cost-sharing basis with the state. In each state, a Forest Stewardship Coordinating Committee is established with representation from the USFS and relevant state agencies. The lead state agency is usually the state forestry organization and it acts as the secretariat for the Committee in identifying potential forest projects and determining the priority in which they will be addressed.

Nongovernmental organizations, notably land trusts, can hold conservation easements and act as the primary contact with landowners, once land has been protected. They can also act as intermediaries in negotiating the acquisition of conservation easements. Land or easements donated to land trusts may be counted towards the nonfederal share of costs, provided they contribute towards the aims of the FLP.

Finally, there is the private landowner who joins the program either by conveying an easement on his land which advances the goals of the FLP or by purchasing or inheriting land on which such an easement already exists. The

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landowner is the fee owner and the organization to which the easement is conveyed is the easement holder. The latter is responsible for monitoring the land to make sure that it is being administered in accordance with the easement.

For more information, visit:

U.S. Forest Service Legacy Program
www.fs.fed.us/spf/coop/programs/loa/flp.shtml

Trust for Public Land
www.tpl.org

Land Trust Alliance
www.lta.org

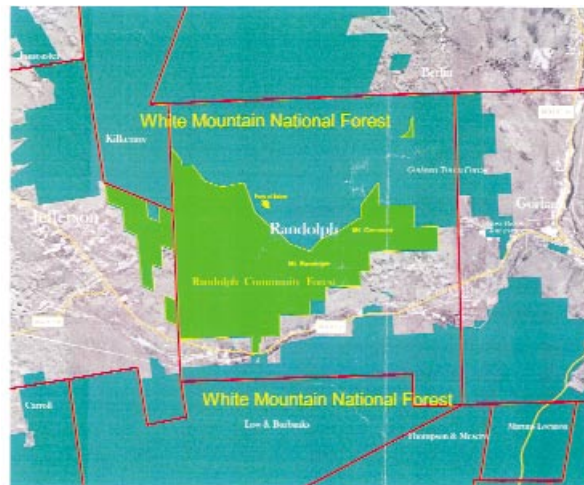
The physical setting

The built-up portion of the town of Randolph lies along a narrow east-west valley in northern New Hampshire. To the south rises the main range of the White Mountains with its 5,000-foot peaks and alpine environment above the timberline. To the north of the town is the smaller Crescent Range, with two 3,000-foot mountains. Beyond the Crescent Range is the Kilkenny Unit of the WMNF. The land between the built-up area of town and the edge of the Kilkenny boundary, including much of the

Crescent Range, has been held and regularly harvested for timber for more than a century by a succession of commercial owners. It is this land that would be at the center of what the Hancock application referred to as the Pond of Safety Project.

The name came from a small body of water—the head-

waters of the Upper Ammonoosuc River which flows north and west into the Connecticut River. During the Revolutionary War four American soldiers captured by the British were paroled on the condition they not take up arms



■ Randolph Forest
■ Conserved lands
— Town boundaries
— Major roads

against the British again. Their American officers, however, refused to honor their promise and ordered them back to the battle. Either because they felt strongly about the importance of honoring their word, or because they knew that if captured again, they would be executed, they fled and sought sanctuary on the banks of this little pond in the wilds of northern New Hampshire, emerging only after the War to join the ranks of the early settlers of the town of Jefferson.

CONSERVATION EASEMENTS²

Ownership of a piece of property may best be described as a “bundle of rights.” These rights include the right to occupy, use, lease, sell, and develop the land. An easement involves the exchange of one or more of these rights from the landowner to someone who does not own the land. Easements have been used for years to provide governments, utilities, and extractive industries with certain property rights. An easement permits the holder certain rights regarding the land for specified purposes while the ownership of the land remains with the private property owner.

A conservation easement is designed to exclude certain activities on private land, such as commercial development or residential subdivisions. Its primary purpose is to conserve

natural or man-made resources on the land. The easement itself is typically described in terms of the resource it is designed to protect (e.g., agricultural, forest, historic, or open space).

Easements are typically donated or sold to a nonprofit conservation organization or public agency. The easement is a legally binding covenant that is publicly recorded and runs with the property deed for a specified time or in perpetuity. It gives the holder the responsibility to monitor and enforce the property restrictions imposed by the easement for as long as it is designed to run.

An easement does not grant ownership nor does it absolve the property owner from traditional owner respon-

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²Summary of information on easements excerpted from the following: Peggy Schear, Thomas W. Blaine, *Ohio State University Fact Sheet: Conservation Easements*. CDFS-1261-98. Information on easements is available from the Land Trust Alliance Website www.lta.org.

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sibilities, i.e., property tax, upkeep, maintenance, or improvements.

In the United States, if an easement is granted in perpetuity as a charitable gift, some federal income and estate tax advantages usually accrue. These tax savings may be substantial, and are often cited as a major factor in landowners' decisions to donate easements. The 1997 Federal Tax Law specifies estate easement donation options for farms within 25 miles of a metropolitan area. Property tax benefits are state and locally determined and may vary.

For more information, contact:

American Farmland Trust
1920 N St. NW, Suite 400
Washington, DC 20036
Phone: (202) 659-5170
www.farmland.org

Land Trust Alliance
1319 F. St. NW, Suite 501
Washington, DC 20004
Phone: (202) 638-4725
www.lta.org

Trust for Public Land
116 New Montgomery St., 4th Floor
San Francisco, CA 94105
Phone: (415) 495-4014
www.tpl.org



Although located within the boundaries of the town of Randolph, the Pond of Safety is in fact most readily accessible from Jefferson, along a logging road that runs north of the Crescent Range. It lay just within the proclamation boundary of the WMNF, a line approximating the watershed of the Upper Ammonoosuc River that was established by

Congress in 1911 when it passed the Weeks Act establishing the WMNF.³ The proclamation boundary defines an area within which the United States Forest Service (USFS) may purchase land from willing sellers to add to the WMNF without going back to Congress for further authorization.

³For a thorough account of the passage of the Weeks Act and the politics which brought about the proclamation boundary, see Johnson, "The Law That Saved the Appalachians," in *Appalachia*, Summer 2003, Vol. LIV, No. 3

Planning Board members knew that if the purposes were broadly framed to be all-inclusive, the preservation from development of these woodlands would be supported by the various factions within the community.

One issue that was sure to resonate, especially among the members of the year-round community, was the question of cost. Before deciding to proceed, the Planning Board members determined that Hancock's application would not cost the town any money. Its success would have no effect upon traditional town revenues: Hancock was already paying property taxes based on the current use valuation of the property as authorized by state law and those payments as well as the taxes on income realized from logging operations would continue to be collected at the same rate as in the past.

Planning Board members knew that if the purposes were broadly framed to be all-inclusive, the preservation from development of these woodlands would be supported by the various factions within the community. It would be viewed as a natural extension of a way of life which reached back to the town's earliest days. The extensive woodlands had always provided hunting and fishing opportunities. In the initial years sawmills were important enterprises and later on many residents earned their livelihood from timber harvesting; either as owners of woodland tracts or as contract employees for others. Subsequently, new activities brought recognition that the woodlands could be more than merely a source of food, furs and timber.

By the middle of the nineteenth century the townspeople were welcoming summer visitors who were drawn to the valley by the surrounding mountains. What began as casual farm hospitality evolved into a small network of inns. Hunting and fishing became forms of recreation, joined by hiking and climbing, and guides were needed for all of these activities. Out of this mix of occupations a sense of stewardship was born; a sense that the town had an



obligation to preserve its natural assets, protecting them from unprincipled exploitation while promoting and encouraging public enjoyment and responsible management.

This sense of obligation lives on today. During the latter part of the nineteenth century, residents and regular summer visitors joined together to build the first trails up into the mountains, trails that still exist and are today the core of an extensive trail network throughout the northern reaches of the White Mountains. In 1910, after extensive unregulated logging and consequent forest fires had destroyed many miles of the new trails, one



of the Town Selectmen⁶ put forward a proposal to create an institution for the purpose of restoring the trails and the Randolph Mountain Club (RMC) was born.

Today the RMC maintains one hundred miles of trails in and on the fringes of the WMNF to make sure that public access to these woods and mountains is preserved. Most of the town's summer and year-round residents are members.

That these traditions continue is evidenced by the language of the town's 1992 Master Plan, which concludes by stating that: "Randolph is an outdoor recreational resource for the region." Noting that, "the few commercial activities by residents are ones which make use of the natural resources or do not detract from them," the Master Plan emphasizes the fact that "the people of Randolph have actively sought ways to protect the wilderness and at the same time to open it up for responsible public use."

So it was that the action of the Planning Board in deciding to support the Hancock application was fully consistent with the traditions of the community and the desires of most residents. The Board's initiative was quickly endorsed and seconded by Randolph's Board of Selectmen, Conservation Commission⁷ and nongovernmental organizations. It also received wholehearted support from their counterparts in the town of Jefferson.

First steps

Leadership: Shepherding the process

It was clear from the beginning that moving the Hancock application along would be a time-consuming effort, and it was also clear that the Planning Board was too large a group to be involved in the many activities that would have to take place. A three-member informal negotiating team emerged with the chairman and one other member of the Planning Board and a member of the town's Conservation Commission.

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⁶Most towns in New Hampshire are governed by a Board of Selectmen. The volunteer Board is composed of residents who are elected to serve specific terms.

⁷The town Conservation Commission is another municipal board that is statutorily authorized to review projects that impact wetlands. Town Conservation Commissions often hold conservation easements, and manage town conservation land.

The negotiating team had no formal authority—which was an advantage during negotiations since it eliminated requirements of notice and disclosure.

Randolph was fortunate in having as residents two leading voices in the North Country with very different constituencies. The chairman of the elected Planning Board was a senior member of New Hampshire's State Police. In that capacity he was well known to state officials in the region, to local political leaders and businessmen and among hunters, fishermen and snowmobile enthusiasts. The representative from the Conservation Commission was a high official in the Appalachian Mountain Club (AMC)⁸ and had access to the top management of many of the national environmental organizations. He was also widely respected in the town.

As the state policeman was later to say in explaining the eventual success of the project, "You need three people. One on the right," referring to himself. "One on the left," referring to his AMC colleague. "And one in the middle." The third member of this triumvirate, who held an important elective town position as well as being on the Planning Board, was retired and had the luxury of time to draft letters, write grant applications, host meetings, keep in touch with all of the people and organizations in Randolph and Jefferson who needed to be "in the loop" and to work with his wife in preparing food. A number of the discussions and negotiations, especially when they involved people from outside of town, took place around the lunch or dinner table.

The team, which came to be referred to jocularly as the "gang of three," had no formal authority. This was actually an advantage during negotiations because it did not have to observe the legal requirements of notice and disclosure, which properly rule the deliberations of official local governing bodies. Nevertheless, it had the confidence of the Planning Board and could act in that Board's name whenever necessary. Moreover, it kept the Board of Selectmen briefed on issues involving town commitments. There was nothing extraordinary in the fact that the members of the negotiating team, and many other townspeople as well, spent long hours about the town's business: in small New England towns, local government is almost entirely carried on by volunteers.

Collaborating partners

In the beginning the job of the negotiating team appeared to be an uncontroversial one: to see that the Hancock application succeeded. It was uncontroversial, but not simple. The first problem was that there was not enough money in the Forest Legacy Program budget to fund the purchase of a conservation easement over the Pond of Safety lands. In the last budget cycle

⁸The Appalachian Mountain Club is a regional nonprofit conservation organization.

Congress had appropriated only \$200,000 for each of the participating states. Furthermore, as an official in the state's Department of Resources and Economic Development (DRED) explained, New Hampshire had already received more than its fair share of funds and it was unlikely that a project of this magnitude would soon rise to the top of the national list.

The Planning Board sought help from New Hampshire's congressional delegation. It contacted a U.S. senator's office and asked for advice. The response was that the town should orchestrate a letter-writing campaign, using Hancock's project to demonstrate the Forest Legacy Program's need for more generous funding. This advice was echoed by a member of the staff of the Society for the Protection of New Hampshire Forests (SPNHF),⁹ which took a direct interest in the project and was lobbying for increased Forest Legacy funding. He said that the Pond of Safety Project would become a "poster child" for Forest Legacy.

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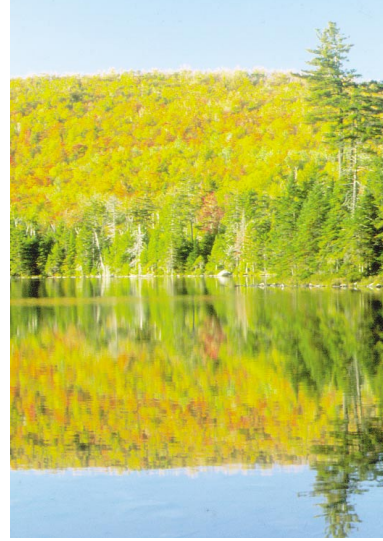
The other advice received from the senator's office was to make sure that the community spoke with an undivided voice. The senator was willing to help, but only if there was no dissension. To this end, the Jefferson Planning Board was contacted and it prepared and sent a supportive letter to the senator. A joint letter from the Randolph Selectmen and the Planning Board was sent to the chairman of the subcommittee on the Interior of the Senate Appropriations Committee and, again, Jefferson followed suit. If there was anything more convincing of a community's singleness of purpose than having all organizations in one town writing the same message, it is having the organizations of two towns doing so. This unity of purpose resonated among local political leaders and similar letters were sent by the New Hampshire Governor and by a state senator. New Hampshire's congressional delegation began to seek the necessary federal funds.

Meanwhile, SPNHF had suggested to the negotiating team that it call in the help of the Trust for Public Land (TPL),¹⁰ an organization with wide experience in raising and finding funds. TPL was a risk-taker. It would often purchase land or options on land to hold them out of the market until governments could come up with the money to purchase the land, or interests in the land.

⁹ The Society for the Protection of New Hampshire Forests is a statewide, nonprofit conservation organization.

¹⁰ The Trust for Public Land is a national nonprofit land conservation organization.

One of the early issues needing discussion was the fact that the success of the application would not protect the Pond of Safety. Trust for Public Land offered an innovative solution.



Several meetings between team members and TPL took place and TPL began direct exploratory negotiations with Hancock. One of the early issues needing discussion was the fact that the success of the application would not protect the Pond of Safety. There was a widespread feeling in the Randolph-Jefferson communities that protection of the Pond, because of its historical and recreational importance, should be a central consideration.

Since Hancock had indicated in the application that it also thought the land behind the proclamation boundary worth protecting, there was no disagreement in principle. But the question was how that could be done most expeditiously. One suggestion put forward by TPL was a land swap. Under this proposal, TPL would purchase a similar tract of land elsewhere for the USFS, eventually being compensated from the Land and Water Conservation Fund.¹¹ TPL would then trade that land for the land in Randolph behind the proclamation boundary. Once it had been compensated for its purchase, TPL would transfer title to the Randolph land to the USFS and it would be merged into the Kilkenny Unit of the WMNF.

In the end, it turned out that extraordinary measures were not necessary. During the winter of 1998, TPL learned two pieces of news that changed the complexion of the entire project. It reported the news to the negotiating team, which wrote a memorandum to the Planning Board in April of 1999. That memorandum said, in part:

“Today, the effort appears to be moving into a new phase. Although it is far from being a sure thing, serious negotiations have begun between the TPL and Hancock. If they prove successful, and there seems to be grounds for cautious optimism that they will be successful, this will result in the sale to TPL of much of Hancock’s local holdings. That would include the lands covered by the original Forest Legacy application [and] an additional 2,300 contiguous acres behind what is known as the Proclamation Boundary of the [WMNF]...”¹²

¹¹The Land and Water Conservation Fund is a federal program that provides grants to communities through states for acquisition projects in land and water conservation. The program is funded through royalties from oil and gas leases.

¹²(*Statement on Pond of Safety Protection Plan*), Report to the Planning Board, April 1, 1999.

Hancock had decided to sell the land outright instead of seeking a conservation easement. The change in position came about mainly because of a natural disaster, an ice storm that struck the region in the previous January. The damage to trees was enormous and it would be years before much of the land recovered. It had taken most of the summer for Hancock to fully assess the effect of this storm and to reach this decision.

At first, it seemed as if Hancock's change of heart would make little difference to the project: TPL would buy the land from Hancock, place an easement upon it and sell to another timber company. But no potential purchaser immediately emerged, and another intriguing possibility began to be talked about among the members of the negotiating team: what if the town of Randolph, or the towns of Randolph and Jefferson together, should buy the land, subject to the conservation easement, and operate it as a town forest?

The possibility was strengthened by the other piece of news delivered via TPL: it had been informed by the senator's office that the Forest Legacy funds needed to purchase the conservation easement would, in fact, be available. By removing development values, the Forest Legacy Program drastically reduces the cost of land and creates the opportunity for even small towns to purchase the underlying fee. At this juncture, the question facing the negotiating team and the Planning Board was whether Randolph or Randolph and Jefferson jointly, should create and run the community forest.

Consulting the community

This was not a question the negotiating team, the Planning Board or other town authorities, could answer unilaterally. It represented a potentially major commitment of local resources and needed the fullest and most wide-ranging sort of community consultation before a decision could be made.

New England is "Town Meeting country" and the negotiating team knew that any such decision would sooner or later have to be ratified in such an assembly. Town Meeting is the central event on local political calendars. On the second Tuesday in March all registered voters of Randolph who wish to do so, like their counterparts in other small towns throughout the state, meet together in the Town Hall to vote on a budget for the ensuing year. They also vote on local ordinances, elect officers and act on other business that may

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come before the town. Town Meetings are notoriously unpredictable occasions. Voters have been known to pass a \$500,000 school budget by a voice vote, while arguing for the better part of an hour about a relatively minor allocation for library expenses. Moreover, opinions about issues—even those which may not be on the agenda—can be crystallized during a Town Meeting, and determine the fate of a project even before it has officially begun. Nothing is more likely to call down the wrath of voters than a sense that they are not being adequately informed.

So, the Randolph Planning Board, in collaboration with its Jefferson counterpart, scheduled a series of well-publicized public meetings during the summer and fall of 1999 to keep residents of the two towns abreast of events, to discuss possible options and to ask for direction. There were a number of big questions to answer.

There was, for instance, the question of whether or not a town forest would be likely to become a cause of friction within the community as factions sought to have it managed in accordance with their particular vision. To help the residents of Randolph and Jefferson think through this issue, the Planning Board invited representatives from five New Hampshire towns that currently had town forests to attend a meeting and describe the experience. Because several of those involved with town forests were also involved with institutions and organizations concerned with the environment, the meeting

brought together representatives from most of the state's conservation organizations and underscored the support the project was receiving from the wider environmental community.

The presentations provided an interesting review of New Hampshire's experience with town forests. Few, if any, had been acquired specifically for that purpose. In

one case the town had received part of their forest as a gift; in another, it had purchased land to protect the town water supply. In most cases, the property that became a town forest was acquired as the result of foreclosures on tax liens. Often the land lay idle for a number of years before the town began to manage it.

The presentations provided an interesting review of New Hampshire's experience with town forests. Few, if any, had been acquired specifically for that purpose. Often the land lay idle for a number of years before the town began to manage it.

All of the speakers urged the towns to move forward with the project, although one warned that the task of management, especially where multiple partners were involved, could be a challenge. But, he said, “with a spirit of compromise, it can work.” New Hampshire’s State Forester, who was present, addressed the question of internecine friction when he pointed out that “the land is large enough that it should be possible to satisfy everybody.”

The State Forester also encouraged the towns to go ahead with the creation of a municipally owned forest. He thought it might prove to be a model for a new approach to conservation. Of the two traditional methods, one was outright public ownership by federal or state governments. The drawback here was the loss of local control. The other method was private ownership with or without restrictions. The drawback there was that the profit motive hindered, or at least pushed the boundaries of, the conservation aims. The town forest approach would combine local control with public ownership and this might be the successful formula for which many had been searching.

At another meeting the discussion turned around the question of what the community would do with a forest if it owned one. Why, one resident asked, was community ownership better than ownership by a responsible private owner? The answer was that community ownership allowed more room for community interests to be served and that a town can develop a vision of how it wanted its forest to develop. The educational possibilities of a community forest—whether formal or informal—could result in a deep connection between the community and the land. One of those present also made the point that in his experience private owners were usually trying to push the limits of the easement, while public ownership tended to emphasize logging less and recreation more.

Why, one resident asked, was community ownership better than ownership by a responsible private owner? The answer: community ownership allowed more attention to community interests and the town’s vision of how it wanted its forest to develop. The educational possibilities also could forge a deep connection between the community and the land.

Suggestions concerning various types of additional protections were put forward by a number of people. One mentioned wildlife and flora; another was concerned with deer yards; still another recommended restrictions on timber harvesting above a certain altitude in order to protect fragile slopes; and several others noted the need for protections of riparian areas. It was agreed that a greater degree of protection for ecological and recreational assets would be possible if the land were publicly owned rather than if it

were owned privately. A Jefferson resident commented that they were primarily concerned about preserving public access. They also wanted to ensure wetland and wildlife protection and recreational opportunities. It was clear the uses would have to include timber harvesting. As one of the Randolph Selectmen put it, “The town cannot afford not to log it.” But, another in attendance noted that the conservation easement should require that responsible logging practices be followed so that it meets the test of sustainability.

If it were managed for timber harvesting, the next question was whether a town the size of Randolph had the human resources capable of operating a

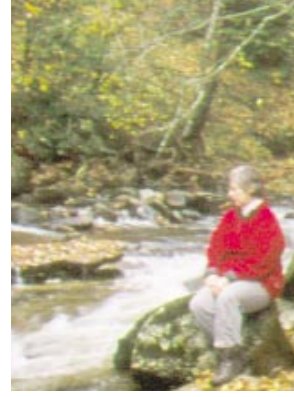
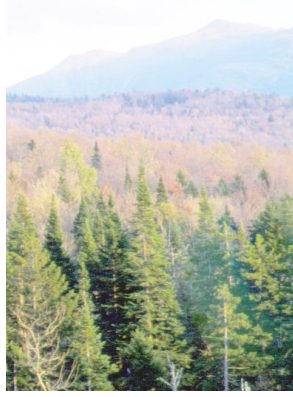
The next question was whether a town the size of Randolph had the human resources capable of operating a large-scale industrial undertaking of this kind.

large-scale industrial undertaking of this kind. This, then, was the subject of another meeting. One of the first questions from the floor was, “How would a town manage a forest?” A forester who was present answered: “First it is necessary for the town to set goals. Then it should hire a professional manager who will prepare a management plan for approval by the town. Once the management plan is in place, the manager can carry out its day-to-day implementation.” He added that the current trend is to favor growing “saw logs” rather than

pulp wood. The saw logs are eventually more valuable but take longer to mature and therefore do not generate income as quickly.

There was some discussion regarding costs associated with managing a town forest. One of the members of the negotiating team had assembled preliminary data regarding the income potential of the land. It showed that, eventually, the property would not only be self-supporting but could become a financial asset for the town, although its future as an asset was some 20 to 50 years off. Once it had made the decision to sell in the wake of the ice storm, Hancock began a program of salvage harvesting. As a result, even the damaged stock of timber was depleted. Nevertheless, it was estimated that there should be enough to pay the costs of management, and defray lost town revenues once a modest logging program began.

During these discussions, the Jefferson Planning Board informed its Randolph counterpart that the Town of Jefferson preferred not to participate in the ownership of the forest, but it would support Randolph in doing so in any way it could. In fact, it was clear people in the region had enormous interest in preserving the land in its current condition for three main purposes: outdoor recreation—hunting, fishing, hiking, cross-country skiing, snowmobiling and similar pursuits; sustainable timber harvesting; and ecological protection—promotion of wildlife through habitat management and the protection of



fragile plant life. Armed with this information, the members of the negotiating team and the Planning Board felt confident in going forward so long as those values were observed.

A potential controversy

There was one other reason to consult the community and it provided the subject of another public meeting. The northern county of New Hampshire, a part of the Great Northern Forest Region, is heavily forested and sparsely populated. The wood products industry, including several pulp and paper mills, is its largest employer. But the natural beauty of the mountains and woods draws outdoorsmen and women at all times of the year and the business of tourism is rapidly increasing in importance. As has been the case in other parts of the country, these two have not been the easiest of partners and the WMNF has been the touchstone of conflict. Although Randolph has a history in which the two sets of activities have co-existed comfortably on a local level, it has not been able to entirely avoid being buffeted by the controversy.

So it was that a public meeting was convened to explain to the public the measures that were undertaken to protect the land behind the proclamation boundary, and especially the Pond of Safety itself. As the idea of a locally owned community forest for the 10,000 acres outside of the boundary gathered support, there were some who advocated expanding the area to include the land behind it as well. After all, the rules prohibiting the use of conservation easements over such land had been relaxed so that it would now be legally possible. Moreover, there was opposition in various offices within the state government to ceding any more land in the state to the USFS.

Had the town attempted to acquire this land, however, there would have been a price to pay. Acquisition of the areas behind the proclamation boundary was a long-sought aim of the USFS and high officials in that Service were hesitant about endorsing even the original Hancock application because it

It became clear that people in the region wanted to conserve the land for three main purposes: sustainable timber harvesting, ecological protection, and outdoor recreation. Armed with this information, the planners felt confident going forward so long as those values were observed.

It was clear that USFS backing of the project would be jeopardized if its purchase of the land around the Pond of Safety was not a part of the deal. It was also clear that having USFS support was important. So, negotiations took place.

was called the Pond of Safety Project, and they took that to mean that it included the land behind the boundary. After an explanation, they did agree to support the Hancock application and their endorsement took on a measure of enthusiasm when Hancock agreed to discuss, through TPL, the possibility of selling the land behind the boundary to the USFS.

It was clear that USFS backing of the project would be jeopardized if its purchase of the land around the Pond of Safety was not a part of the deal. It was also clear that having USFS support was important, since both the Forest Legacy money and the Land and Water Conservation funds came out of its budget. Even if the political process earmarked the expenditures, bureaucratic opposition could hinder progress.

So, negotiations took place. The town agreed in principle to support the USFS acquisition, if steps could be taken to make sure the land involved remained open to the same uses as were being proposed for the community forest and if the USFS supported the Forest Legacy application, now being pursued by TPL on behalf of the town. The result of those negotiations was language attached to the United States Senate version of the Federal Appropriation Bill, which provided Land and Water Conservation funds for this acquisition:

“The Committee recommends that the acquisition by the Forest Service of the Pond of Safety tract within the White Mountain National Forest shall be made with the clear expectation and understanding that these productive forest lands shall remain available for recreational uses traditional to the North Country of New Hampshire and for continued sustainable forest management, and that the management of this tract shall be planned and undertaken in consultation with the elected officials of the town in which it is located.”

This language had been worked out in consultations between the negotiating team, a senior SPNHF staff member and an official of the USFS. It was intended to strengthen the ability of the USFS to resist pressures from outside the area and to lay the groundwork for cooperation between the USFS and the town in the management of what had previously been a single tract of forest land.

At the public meeting a USFS official was asked to explain the relationship of the Forest Service to local communities. He noted that land owned by the USFS was owned by everyone in the country, and therefore all voices have to

he heard. Complicated procedures govern most public input, in order to ensure that the USFS decision-making process is an open and transparent one. That being said, however, there are also requirements that the USFS undertake its management activities in coordination with local communities, and that management plans be compatible with the plans of local towns. Exceptions to procedures are allowed for discussions with elected officials of affected communities.

Several questions were raised from the floor: “Would the restrictions on the size of groups be applied?”...“What about the use of snowmobiles which has been a traditional use on the Hancock lands?”...“What about conflicts between recreational uses and logging operations?”...“Would local citizens have to pay a parking fee?”...“What about general access?”...“What about handicapped access?”

It was explained that the Forest Service planning process is flexible and amendments can be made. Strategies vary within regions and can be adjusted to meet local land situations. Communities need to work out what they want without being too specific about every detail at the early stages and consult with the Forest Service. Discussions were underway to institutionalize a process of consultation in the case of this particular land. The negotiations with the Forest Service had far-reaching effects that were not fully appreciated at the time. They provided the basis for a working relationship between the USFS and the town. This has produced a collaborative approach to the management of the abutting tracts of land, an approach which has been recognized in a series of agreements between all parties.

These negotiations had far-reaching effects, forging a collaborative relationship between the USFS and the town that facilitated management of the abutting tracts of land.

At the end of the meeting, there was general agreement that the sale to the USFS of the land behind the proclamation boundary was the most practical way of protecting the Pond of Safety.

Completing the project

Fundraising

There was still a need to raise about \$1.8 million to purchase the underlying fee and one of the challenges would be to raise it without adding to the town’s tax burden. Randolph, like other North Country towns, has residents who own

large landholdings but are often short on cash. If the effort to acquire the Hancock land were to result in any of the residents being forced by an increase in the tax rate to sell land for development, one of the main aims of the project would be defeated.

If the effort to acquire the Hancock land were to result in any of the residents being forced by an increased tax rate to sell land for development, one of the main aims of the project would be defeated. So fundraising began.

The negotiating team wrote several grant applications, as did TPL, and the strength of the support from the environmental community was evidenced by the response from one national foundation which offered a \$250,000 challenge grant. This was the beginning of the fundraising effort.

Other important contributions were received from regional and national charitable organizations amounting to some \$800,000 in all, and a state land conservation funding program, The Land and Community Heritage Program (LCHIP),¹³ contributed another \$250,000. In addition, the strength of the town's commitment to its traditions and the support those traditions commanded throughout the region was clearly demonstrated by a remarkably successful fundraising effort among local and regional residents and businesses spearheaded by the local Randolph Foundation, a nonprofit tax-exempt community foundation that had been started in 1962 to purchase land for a small town park.

The Foundation sent letters to its membership, which includes many of the permanent residents of the town as well as most of the 500 or so summer residents. It also held informational meetings, and those who had not attended earlier Planning Board discussions were brought into the process. In the end, another \$600,000 was raised from some 200 individual donors. There were few large donations, but many smaller ones, with some families listing gifts in the names of their children.

The Foundation's fundraising effort became a participatory exercise in which summer and year-round inhabitants, as well as others in the region, felt they were buying a stake in the town's future. The Foundation's success underscored the popular backing that the project received in the towns of Randolph and Jefferson. Letters written by the Boards of Selectmen, Planning Boards and Conservation Commissions of both towns and later unanimous votes on relevant warrant articles in the Randolph Town Meeting confirmed the breadth of that enthusiasm.

¹³The Land and Community Heritage Program was established by the New Hampshire State Legislature and was initially funded at the level of \$8 million. The program is currently funded at \$3 million.

PROGRAM RELATED INVESTMENTS (PRIS)

Program Related Investments (PRIs) and grants offer interim financing opportunities for communities that are trying to secure control through acquisition and ownership of natural resources. In 1969, the United States Internal Revenue Code was amended to allow private grant-making foundations to make loans and/or higher risk investments that were aligned with the philanthropic mission of the foundation. The great majority of PRIs have been used in urban community development efforts chiefly focused on the production of low-income housing.

Recently, a number of private foundations have expanded the use of PRIs to help achieve land conservation results in various parts of the United States. The David and Lucile Packard Foundation, the MacArthur Foundation, the HKH Foundation, the Ford Foundation and the Jessie Smith Noyes Foundation have all provided loans (at below market rates) to nonprofit conservation organizations for a wide variety of land conservation projects.

These loans can be used to leverage private investment capital, to bridge the time required for public funds to be delivered and to earn an ownership position for community-based entities.

Private foundation grant resources have been used in a similar manner, the difference being that the grant proceeds stay with or are recycled by the grant recipient versus PRIs which are repaid to the lending foundation.

A PRI could be used to “blend-down” the cost of private investment capital by allowing a portion of a natural resource investment (community forest) to be financed at below market rates. The use of a PRI by a community-based entity (e.g., a land trust) may provide an opportunity to permanently conserve the resource and allow the PRI borrower to “earn” an ownership position over time.

The example that follows was capitalized with grants but could have been funded by PRIs:

- The Lowcountry Conservation Loan Fund (LCLF) of South Carolina was created in the fall of 2002 by donations from the Merck Family Fund and the Gaylord and Dorothy Donnelly Foundation. The Fund was initially capitalized with \$1 million with the goal that, over the next several years, additional funds would be raised to provide \$5 million in ongoing loan dollars.

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Program Related Investments and grants offer interim financing opportunities for communities that are trying to secure control through acquisition and ownership of natural resources.

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- The LCLF is managed by The Community Foundation Serving Coastal South Carolina (TCF), a regional foundation operating in the Lowcountry. TCF's mission is to foster philanthropy for the lasting good of the community.
- The Fund was designed to facilitate land conservation in the South Carolina Lowcountry by providing critical interim financing to local, regional and national conservation organizations for land acquisition. The Fund works with participating conservation organizations to conserve the Lowcountry's most important ecological, wildlife, scenic and recreational lands. Loans can be used for a variety of purposes including land acquisition costs (fee purchase, bargain sale, conservation easement purchase and purchase of development rights) as well as closing costs and reimbursable expenses (title insurance, survey and appraisal expenses).

A PRI could be used to “blend-down” the cost of private investment capital

by allowing a portion of a natural resource investment (community forest) to be financed at below market rates. The use of a PRI by a community-based entity may provide an opportunity to permanently conserve the resource and allow the PRI borrower to “earn” an ownership position over time.

Lyme Timber Company's consulting division (LTC Conservation Advisory Services) was engaged jointly by the Merck Family Fund and the Donnelly Foundation to design and assist in the implementation of this fund. Lyme Timber Company remains involved through a technical support agreement with The Community Foundation Serving Coastal South Carolina.

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Establishing the community forest management structure

Once the title had been transferred, the Pond of Safety Project came to an end and the Randolph Community Forest was born. It is not being called a “town forest,” although it technically is one, because the people of Randolph



view the value of this land as much more than merely a municipal asset. It is seen as a public ecological and recreational asset which will benefit residents of the larger regional community, and the town is determined that its stewardship reflects that perspective. The management system devised for the Randolph Community Forest, something of a departure from the model laid out for town forests in state law, was designed in part to enable interested people and organizations from out of town to have a voice when decisions are made concerning the land.

State law provides for town forests to be managed either by the town conservation commission or by a special three-member committee appointed by the Selectmen. A special fund is established but it must be approved each year at Town Meeting. The Randolph negotiating team proposed a somewhat different structure. It felt the management of such a large enterprise, necessarily involving long-range planning and sometimes complex contractual arrangements, should be protected from the passions of Town Meeting, but at the same time should be a part of, rather than adjunct to, town government. It also felt the Board of Selectmen, with their necessary focus on day-to-day administration of town affairs, did not provide the long-term perspective required for forest management. So the team designed an alternative management structure it felt would be more appropriate for the town of Randolph.

In order to adopt the system, it was necessary to have a special act passed by the state legislature. Fortunately, one of Randolph's residents was a member of the state legislature who did yeoman service in bringing the measure to the floor and shepherding it through the various steps to enactment. The bill had the support of DRED, which was planning to watch the Randolph experiment to see whether or not the special act might someday be the model for general legislation allowing towns more flexibility in structuring the management of town forests.

Passage of the special act cleared the way for the town to hold its first-ever special Town Meeting and adopt an ordinance putting the system into place. The ordinance places responsibility for day-to-day forest affairs in an appointed

The Randolph Community Forest is not being called a "town forest," although it technically is one, because it is viewed as much more than merely a municipal asset. It is seen as a public ecological and recreational asset that will benefit residents of the larger regional community, and the town is determined that its stewardship reflects that perspective.

Comparison study: Community-based forest management in Tanzania

By promoting local ownership of forests on community lands, Tanzania has moved to the forefront of CBNRM and provides an important example for practitioners in towns like Randolph and elsewhere around the world.

Tanzania's forestry sector faces many problems similar to those in other countries in east and southern Africa, and indeed with respect to other natural resources throughout the region. Although most highland forest reserves and key water catchments are centrally controlled (in National Parks or Forest Reserves), most of the country's forests and woodlands fall outside the bounds of protected areas. Local people determine their uses and central government influence is limited or nonexistent. Even in the key protected forest reserves, government capacity is limited, in terms of law enforcement and management, and widespread degradation has occurred.

Over the past decade Tanzanian forest managers have turned increasingly towards community-based strategies as a central component of maintaining the biological and economic values of the countries diverse forests and woodlands. The country's National Forest Policy advocates securing local communal and private rights for forest management and proprietorship, and strongly advocates devolution of management where appropriate:

The ownership of land and natural resources, access and the right to use

them are of fundamental importance, not only for more balanced and equitable development, but also to the level of care accorded to the environment. It is only when people can satisfy their needs, have control of the resource base as well as have secure land tenure that long-term objectives of environment protection can be satisfied.¹⁴

Tanzania's policy, and the Forest Act of 2002 that has been passed by Parliament to implement it, provides two main ways for communities to engage in forest management. First, local communities are encouraged to establish their own village land forest reserves. These forests will fall on village lands managed communally by the village government, and forest management procedures will be determined by locally propagated village by-laws. These village forests are communally owned and managed, and their management will reflect the biological and social values that the forests provide to local people.

However, opportunities for forest management under the new legal and policy framework do not stop with forests falling on village lands. Where communities live adjacent to gazetted forest

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¹⁴Ministry of Natural Resources and Tourism. The National Forest Policy. Dar es Salaam: Government Printer.

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reserves, managed either by a central or district government depending on the forest's status, the community can partner with the government management authority in the use and management of the forest. These partnerships or co-management arrangements are governed by joint management agreements between the community and the forest authority (central or district government). Rights, responsibilities, and management roles are allocated to either side in a collaborative way through such agreements.

By promoting the local ownership of forests on community lands, as well as the co-management of forest reserves, through law and policy reforms and pilot programs, Tanzania has put itself in the

forefront of community-based forestry management in sub-Saharan Africa.¹⁵

It also provides an important example for community-based natural resource management practitioners elsewhere around the world in terms of how institutions may be structured to promote local participation and proprietorship in terms of managing forest resources.

—Fred Nelson

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five-member Forest Commission which hires and oversees the activities of a professional forestry team. Three members of the Commission are appointed by the Selectmen, as in the state model, but there are also two *ex officio* members, one from the Conservation Commission and one from the Planning Board.

Overall supervisory authority rests, not with the Selectmen but with the Planning Board. The Planning Board is an elected body and the Selectmen are represented on it. Moreover, the Planning Board, by the nature of its jurisdiction,

The management system devised for the Randolph Community Forest, something of a departure from the model laid out for town forests in state law, was designed in part to enable interested people and organizations from out of town to have a voice when decisions are made concerning the land.

¹⁵And see: L. Wily and S. Mbaya. 2001. *Land, people, and forests in eastern and southern Africa at the beginning of the 21st century: The impact of land relations on the role of communities in forest future*. Nairobi: IUCN-EARO.

Lessons learned

If there are lessons to be learned from the Randolph experience, surely one is that there needs to be luck and Randolph was lucky in a number of ways.

It was lucky in the timing of Hancock's original application for Forest Legacy treatment. Even though there was no money available at the time the application was submitted, it placed the project on the state's agenda and raised its profile among state officials, environmental groups and even USFS personnel, so that when the town began its effort, the Pond of Safety Project was already widely known.

It was also lucky in the timing of the ice storm. Although the storm seemed like an unmitigated disaster at the time, it is indeed "an ill wind that bloweth no man to good," and the good blown by this particular wind resulted in the Hancock decision to sell the land outright, clearing the way for the creation of the community forest.

It was lucky there were two residents in town who could speak persuasively to two very different, but equally critical, audiences about the project and that the Appalachian Mountain Club (AMC) and the New Hampshire State Police encouraged participation in local affairs.

It was also lucky in having as members of the community many other residents who could contribute to the project's success in a great variety of ways.

It was lucky that although the Trust for Public Land (TPL) was a nationwide organization, it was just in the process of organizing its northern New England field office. It was looking for an appropriate project in northern New Hampshire and the Randolph project came along at just the right time. A couple of years later, TPL would be embroiled in the much larger Connecticut River headwaters project involving much of the northern part of the state, and might well have been unable to act as mid-wife to the smaller Randolph project.

It was lucky that, in spite of and possibly because of some friction in the past, local, state and federal government entities are eager to collaborate on environmental issues in New Hampshire when a project is mutually beneficial. The Randolph Community Forest provides an almost classic example

If there are lessons to be learned from the Randolph experience, surely one is that there needs to be luck—and Randolph was lucky in a number of ways: in timing, in resident involvement, and in the enthusiastic collaboration of different levels of government.

of the way each level of government can use its proper authority and role in a collaborative fashion to bring about the success of a project. In this case, the federal government's Forest Legacy Program provided a legislative purpose in protecting productive forest land and a funding mechanism for doing so. The state endorsed the aims of the federal program, helped to identify lands needing protection and enforced the rules governing their protection as holder of a conservation easement. Finally, the authority and responsibility for management of the land is vested in the level of government which knows the land the best—the community.

It was lucky in the timing of its fundraising effort. The economy was still strong and both foundations and individual donors felt comfortable in being generous. LCHIP was just getting started, was well funded and was looking for projects to support. A couple of years later, with the severe economic downturn, and with LCHIP funding reduced to a pittance by the state legislature, the climate would have been very different.

That being said, the lesson may be in the availability to take advantage of opportunities as they present themselves. In Randolph, several factors combined to make it possible to seize its opportunities. One was the reliance upon informal mechanisms. With the negotiating team representing the interests of the town and with TPL acting as go-between, it was possible to reach tentative decisions quickly and to respond rapidly to changing situations. One drawback to the negotiating team concept is that the other parties need to know they can be sure the decisions taken by such a team will eventually be ratified by official bodies. It may take some time to demonstrate that the team members do indeed know their town.

The negotiating team members needed just as much reassurance that they were properly representing the community as did the other parties. They sought that reassurance in a number of ways—constantly consulting with various local officers and organizations, both official and unofficial, in Randolph and Jefferson; writing situation and progress reports to the Selectmen, the Planning Board and for publication in a local newsletter. Perhaps the most convincing evidence of community backing for the project, however, came from the series of well-publicized special public meetings held over the space of about a year, at which it was thoroughly discussed. In addition, the meetings imparted the perception that this was a public process and allowed the team some latitude in its negotiations. Confident they would be informed of developments, members of the community were willing to trust the team to represent them.

The biggest lesson of all may be in the importance of taking advantage of opportunities as they present themselves.



There was one other important element involved in building public support and that was the definition of the project. From the beginning, it was described in very broad, all-inclusive terms were meant to make sure no major legitimate local interest would be left out. The threefold purposes put forward as proposed uses of the land—traditional outdoor recreation, environmental protection and responsible timber harvesting—were proposed not merely because they are suggested by Forest Legacy guidelines, but because they would speak to all segments of the community. The assurance that the project would not go forward if it necessitated an increase in the town tax burden was also a part of that definition. In order to capture public trust, it is vital the all-inclusiveness be built into the original definition of the project and not be cobbled together later as a way of trying to expand support. Any such subsequent effort is likely to be viewed with suspicion by those it is intended to persuade.

With the informal mechanisms in place, the Randolph project was capable of capitalizing on the various pieces of good fortune that came its way. It was opportunistic to the core. There were no models to follow. And, perhaps, that is a lesson in itself. As the author wrote elsewhere and in another context:

“Lessons from the past and situations encountered by others can provide valuable inspiration, and it is important to promote opportunities for exchanging experiences. Just as the military strategist studies old battles so his...counterpart needs to know about old projects. But, in the final analysis, the only situation that matters is the current one and success depends upon seizing its opportunities and adapting to its conditions.”¹⁶

¹⁶*Tales From The Experience Of Urban Development In Asia, A Chronicle of Learning By Doing*, Willcox, Development Planning Unit, University College London Working Paper No. 75, April, 1996 at p. 37.

