

Good Neighbor Agreements

March 2018

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Grants and Agreements ACT Training

Presenters:

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Tools in the Toolbox

The Forest Service has a number of tools for working with our Fish & Wildlife partners:

- Challenge Cost Share Agreements
- Participating Agreements
- Sole source contracts under Sikes MOU
- Good Neighbor Agreements

Goal

The goal of this session is to provide background and context for the Good Neighbor Authority which authorizes *States to perform forest, rangeland, and watershed restoration services on National Forest System (NFS) lands.*

Today's Presentation

- Good Neighbor Overview
- Questions
- Project 1: Selway Meadows Restoration
- Current Issues and Updates
- Project 2: NC Wildlife Habitat Restoration
- Questions

Why is GN important?

- Ability to work across jurisdictional boundaries and treat the landscape in a mixed ownership setting
- Foster a collaborative approach to address land management challenges
- Ability to leverage state resources to increase capacity to accomplish work on National Forests (think economy of scale)

Farm Bill Good Neighbor Authority

Permanent Authority

Available nationwide and Puerto Rico

Entered into with any State agency

Adjacency not required

Allowable activities include forest, rangeland, and watershed restoration services

EXCLUDES construction or improvement of permanent roads, parking areas, public buildings or works; and work in wilderness areas, wilderness study areas, and areas where vegetation removal is prohibited or restricted by law.



Forest, Rangeland & Watershed Restoration Services

- ❖ Activities to treat insect and disease infected trees,
- ❖ Activities to treat hazardous fuels, and
- ❖ Any other activity to restore or improve forest, rangeland, and watershed health including fish and wildlife habitat.

Examples of Restoration Services

- Fish and wildlife habitat improvement projects
- Commercial timber removal
- Temporary road construction
- Road decommissioning
- Project planning; including environmental analysis
- Emergency watershed stabilization work
- Tree planting and seeding

Examples of Unauthorized Activities

- Fire dispatch agreements
- Hiring a State employee to fill a vacant Forest Service position
- Conservation education programs in schools
- Aerial photography flights (10 year forest-wide)
- Road construction or reconstruction, public works and facility construction

Parameters of GN Agreements

- Subject to regulations in 2 CFR Part 200, relating to the Uniform Admin Requirements and Cost Principles
- Does not require match or competition (by statute)
- Not restricted by mutual interest/mutual benefit
- Project purpose must be consistent with FS mission and the authorized restoration services described in the Act
- Forest Service retains NEPA decision making authority

Parameters of GN Agreements

- SF-425 form is used for financial reporting
- Partnership financial plan templates may be used
- Program income allowed from sale of forest products from NFS lands
- Pre-agreement costs are allowed when approved in advance
- Agreement term is up to 10 years

Parameters of GN Agreements

- Forest Service approves any marking guides and silvicultural prescriptions
- States can award contracts or enter into agreements with other parties using state contracting procedures.
- Supervisory and administrative responsibilities must remain with the State for their own employees or contractors

Funding GN Agreements

Funding sources for GN projects may include:

- Appropriated funds (Federal funding used must be appropriate for activities being funded)
- Trust funds – KV, BD, SSF
- Third party contributions
- Program income from GN sale of Federal timber used towards restoration within project area



Questions?

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Project Example 1

Beaverhead-Deerlodge National Forest
&
Montana Fish, Wildlife, & Parks

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Selway Meadows Aquatic Restoration

- In 2007 the Beaverhead-Deerlodge NF acquired Selway Meadows; 1200 acres of private valley bottomland in SW Montana. It was acquired because of its substantial aquatic and wildlife values.



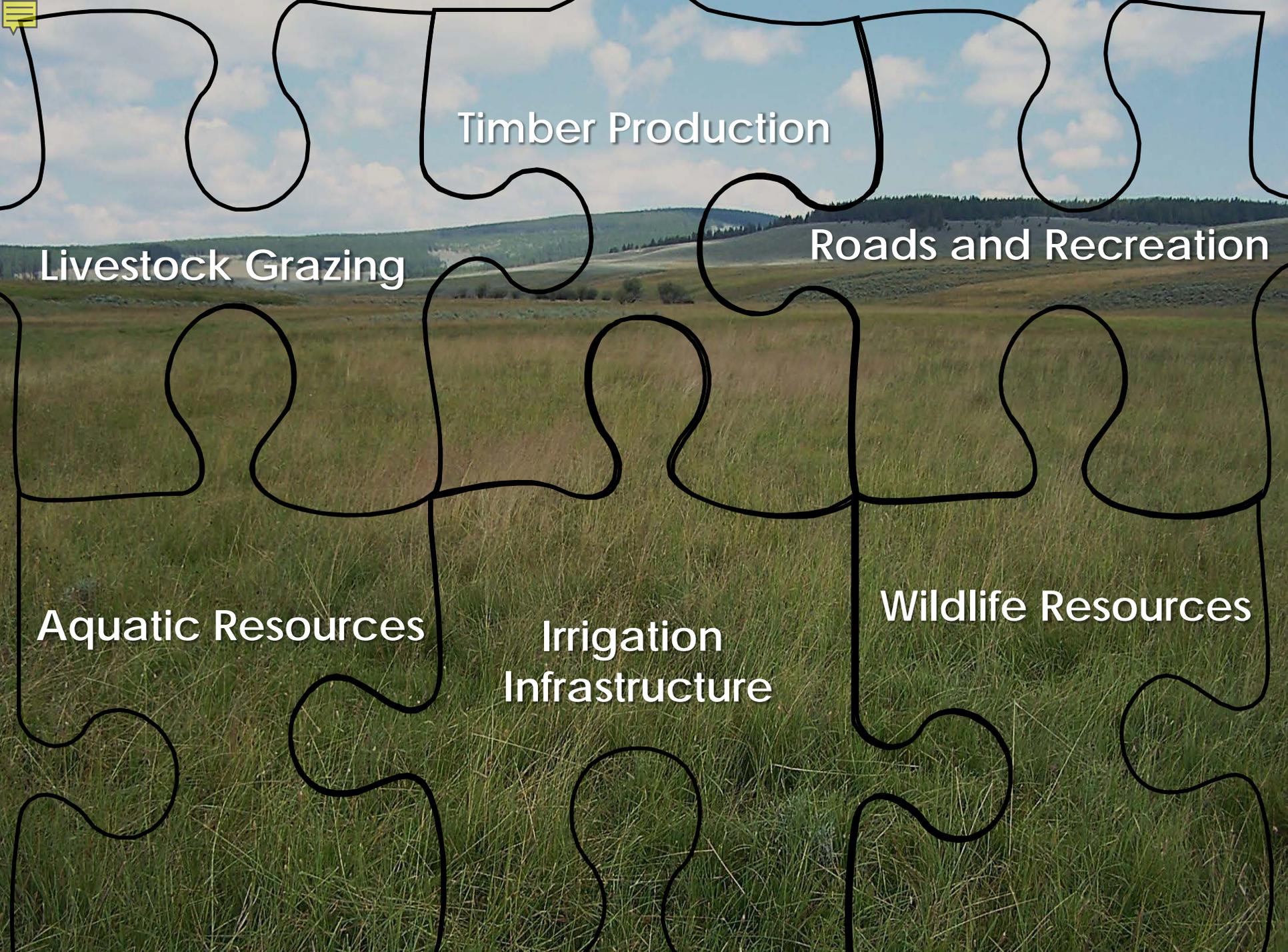
Historic Use



Public Interest

Acquisition of Selway Meadows sparked immediate public interest. It's an exceedingly beautiful area and has broad appeal to a diversity of Forest users.





Timber Production

Livestock Grazing

Roads and Recreation

Aquatic Resources

Irrigation
Infrastructure

Wildlife Resources

Restoration of Native Westslope Cutthroat Trout and Western Pearlshell Mussels



Westslope Cutthroat Restoration Requirements

- Make all stream diversions functional
- Construct a fish passage barrier that prevents upstream invasion of non-native fish species
- Remove non-native brook, brown and rainbow trout from 30 miles of stream above barrier
- Re-introduce native westslope cutthroat trout above barrier

The Significance of GN Authority for the Selway Meadows Project

- It allowed Montana Fish, Wildlife and Parks (FWP) to enter the agreement with no required match to Forest Service and other funds
- It has expanded the Forest's capacity to do work by having FWP contract and guide specific elements of the work; including irrigation infrastructure improvements and fish passage barrier design and construction
- It provided an opportunity to work as partners in a different way, to achieve objectives that may not have been possible



Forest Service Agreement #16-GN-11010200-033
“Watershed Restoration Opportunities in
the Selway Meadows Area”

***Principal Contacts:**

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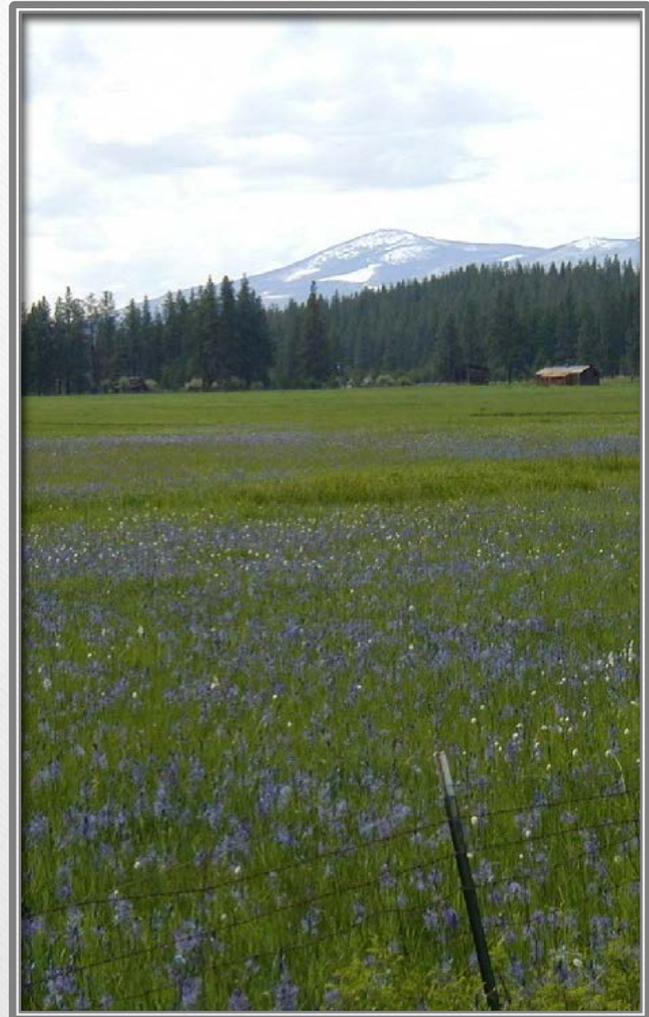
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Current Issues and Updates

What we've learned over
the last two years



NEPA

- Every project has an element of planning
- Most GN projects have the NEPA work complete and shovel-ready
- It may be appropriate for the State to perform NEPA work that will be in support of Good Neighbor projects.
- The Forest Service retains the responsibility for the decision

Roads

Temporary road construction to accomplish restoration work (including for product removal) is allowed

Decommissioning of roads for restoration is allowed

Habitat restoration specific activity, not related to new road construction or haul route reconstruction, is allowed

New permanent road construction or reconstruction is **NOT** allowed

Prescribed Fire

There are a number of situations where it is appropriate to use a GN agreement for prescribed fire projects.

- State crews performing prescribed fire activities for wildlife habitat improvement
- State crews performing activities for site prep e.g. slashing, brushing, and burning prior to planting after harvest



Sharing Personnel

We can work with our State partners and reimburse them for their employee costs to perform a project or a distinct body of work.

We cannot “hire” a State employee to fill a vacant position, even if that position is responsible for restoration work. We cannot use Good Neighbor to circumvent hiring procedures.

Sharing Personnel

What is appropriate under Good Neighbor:

- Reimbursing the State for their employee to design a stream restoration project
- Reimbursing the State for a reclamation specialist to oversee a mine adit closure contract

What is NOT appropriate:

- Hiring a receptionist through the State hiring process
- Filling a vacant Forest Service position with a State employee

Program Income

Program income may be generated by the sale of forest products by a state under a Good Neighbor agreement.

Program income must be used within the project area for authorized restoration services, including fish and wildlife habitat improvement.

Program Income

- Work to be performed with program income must be agreed to in advance and documented in the scope of work and financial plan.
- Activities to be paid for with program income are included in the FS timber sale appraisal.
- We cannot move program income from one agreement to another.

Program Income

- Must be tracked and reported
- State reports program income to the Forest Service on an SF-425 Financial Report
- The agreement financial plan must be updated on a regular basis (quarterly, semi-annually, annually) to reflect program income
- The G&A specialist must update NRM to reflect program income generated

“Other Work”

Not every project that the Forest Service and a State agency collaborate on may be authorized under Good Neighbor.



Key Elements of All GN Agreements

- Compliance with 2 CFR 200 regulations
- Principal Contacts
- Provisions, including pre-agreement costs (if approved); reimbursable or advance billing; etc.
- Statement of Work
- Financial Plan

For timber removal – Timber Removal Plan and Timber Sale Contract Checklist

Appendix A – Statement of Work

- Map(s) and description of project area, treatment activities and corresponding treated acres, and other agreed upon activities (schedule of items)
- Desired end result of the project(s)
- Any Forest restrictions and closures to allow State to implement and complete the projects within specified timelines
- Necessary direction to the State to ensure compliance with appropriate laws and regulations to fulfill the terms of the agreement

Appendix B - Financial Plan

- Activities shall correspond with elements of the financial plan
- Indirect costs are allowed (Negotiated Indirect Cost Rate Agreement - NICRA or *de minimus* of 10%)
- Program income is allowed (with product removal – timber)
- Program income can only be used for restoration activities in the project area and agreement



Appendices D & E – Timber Removal Plan & Checklist

- Use when timber removal is included
- Develop in coordination with Timber Sale Contract Officer, Administrator, other resources as needed

Key Points

- ✓ Good Neighbor is driven by the State's capacity and desire to perform the work.
- ✓ Forest Service retains decision making on NEPA, marking guides, and silvicultural prescriptions.
- ✓ Statement of Work developed JOINTLY, with detailed roles, responsibilities, and operating procedures and timeframes for accomplishment.
- ✓ Project must fit authorized restoration services₃₉



Key Points

- ✓ Interim direction is provided under Forest Service file codes 2430 and 1580
- ✓ While Master Agreements are available, a stand alone agreement might be appropriate
- ✓ Planning, monitoring, and tracking must be considered prior to implementing a Good Neighbor agreement. It's critical when it comes to a project that includes timber removal and program income.

Collaboration

- Collaboration and frequent communication between agencies is a “must” from the development phase through the life of the agreement
- Both parties are committed and have a clear understanding of roles and responsibilities

Project Example 2

National Forests in North Carolina
&
North Carolina Wildlife Resources Division

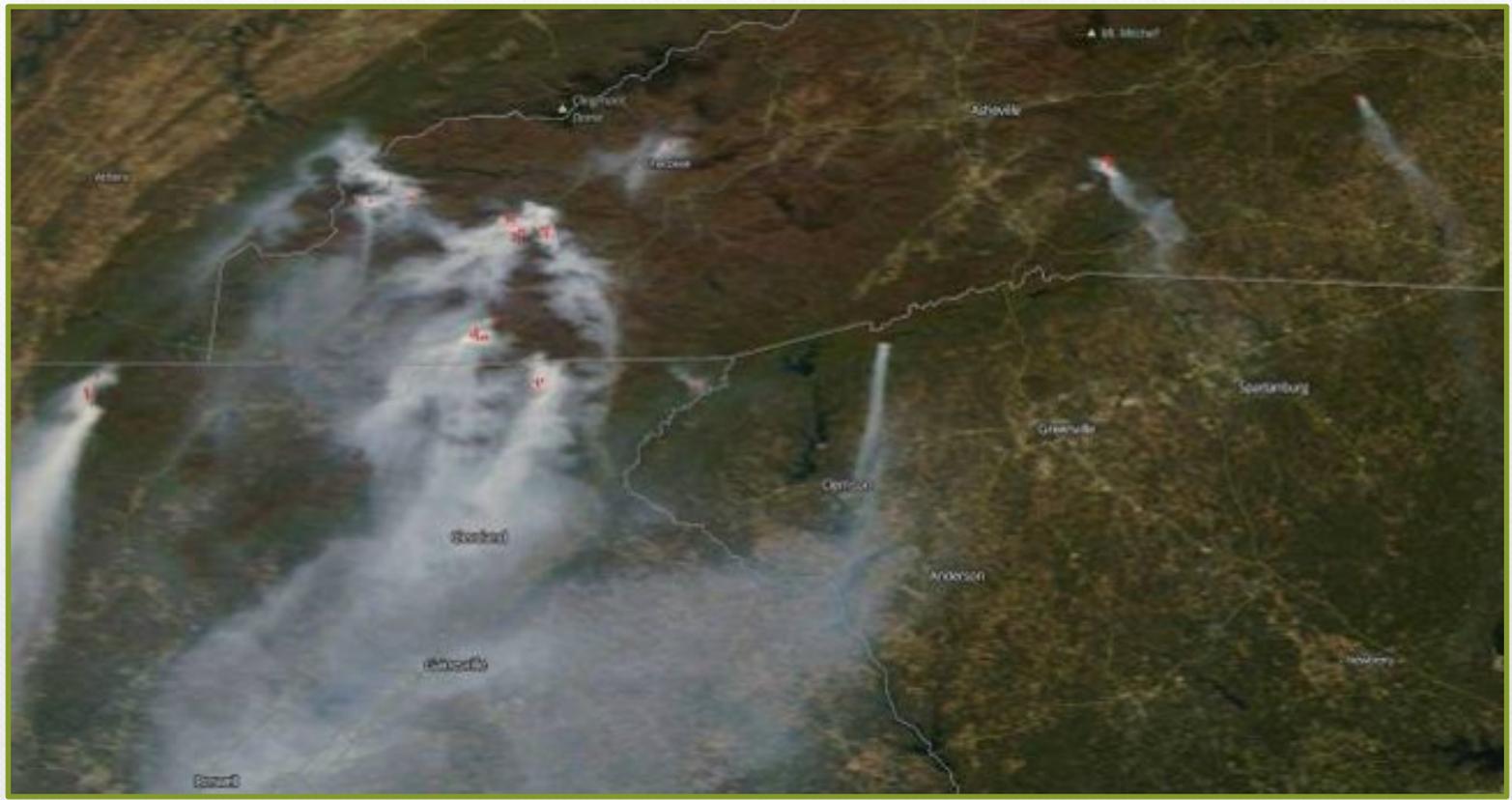
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Wildlife Habitat Restoration Following Fire Suppression Activities

- Fall 2016 was a record-breaking wildfire season in much of the southeast, including western North Carolina.
- Much of the fire activity was on public land, and required increased suppression activity.





Creative Use of Existing Resources

- 800 miles of linear wildlife openings
- Managed as permanent grassy, herbaceous, or shrubby habitats for a variety of wildlife
- Maintained on a 1 to 3 year cycle to retain open wildlife habitat characteristics
- Condition of opening varied
- 41 miles of linear wildlife openings used during fire suppression



Why GNA here?

Why GNA now?

- Timing of restoration implementation was critical in order to avoid losing a growing season (or two or three) and spring wildlife benefits (especially for ruffed grouse, white-tailed deer and wild turkey).
- FS rehabbed openings that also function as roads immediately following suppression, but lacked capacity and expertise to restore wildlife habitat values in a timely manner.
- NCWRC has this expertise, and a vested interest in restoring damaged wildlife habitat.
- Master GNA (17-GN-11081117-008) in place that we could easily tier to (17-GN-11081117-018).



Key to success is in the details...

- Exactly which openings were to be restored, totaling almost 100 acres;
- Prescription for habitat restoration; and
- How to keep clear financial records so that the GNA process stayed transparent.

Attachment A: NCWRC GNA SPA, Linear Wildlife Opening Restoration

Opening Name	Acres
Knob (opening acres affected = 10.2)	
Poplar Cove	6.3
Upper Cloer Branch	0.8
Trough Branch	3.1
Camp Branch (opening acres affected = 45.6)	
Rocky Bald	15.5
Ray Branch	12.2
Shot Pouch	0.6
Shingle Tree	14.0
Locust Tree Gap	2.0
Crawford Cove	1.3
May Branch (opening acres affected = 4.8)	
May Branch	4.8
Winesprings (opening acres affected = 6.9)	
Sawmill Gap	4.5
McDonald Ridge	2.4
Tellico (opening acres affected = 8.8)	
Partridge Creek	3.6
Queens Creek	5.2
Rock Mountain (opening acres affected = 5.6)	
Double Top Rd	2.0
Deer Cove	2.4
Upper Deer Cove	1.2
Boteler (opening acres affected = 17.2)	
Vineyard	9.6
Bruce Ridge	7.6

Total Acres Restored: 99.1

Specific Restoration Activities:

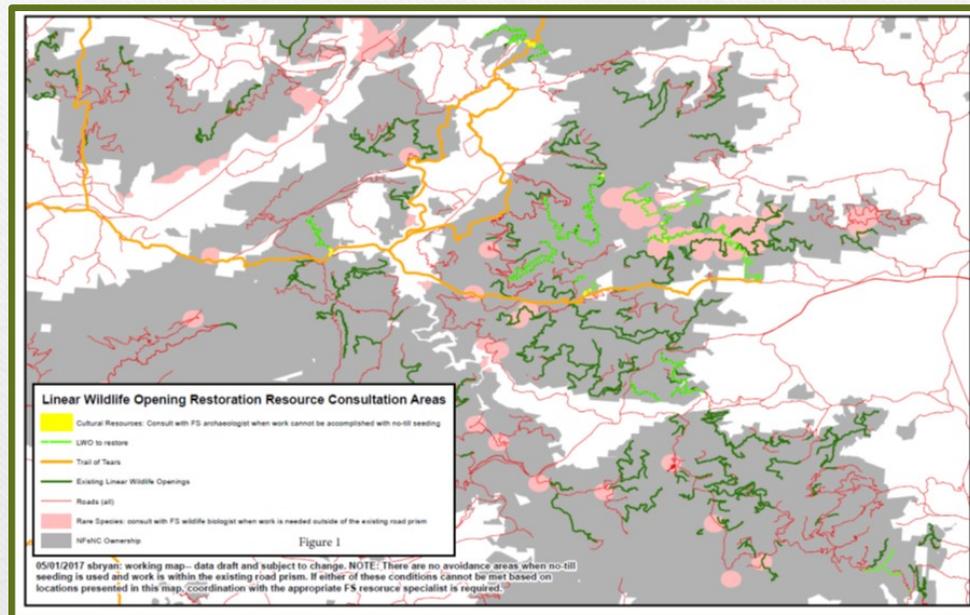
Openings will be:

- (1) fertilized (500 lbs/ac 17-17-17 fertilizer),
- (2) limed (1 ton/ac disked into the soil), and
- (3) planted (no-till) with a wildlife seed mix containing:
 - a. 25% Durana white clover,
 - b. 25% red clover, and
 - c. 50% annual grain (e.g. sorghum, millet)

Average estimated unit cost (\$1,000/acre) includes NCWRC salary, equipment, and supplies. Actual unit costs will vary based on opening complexity and will be tracked during NCWRC record-keeping.



Including extra details...



Special natural and cultural resource area protection instructions



And still more details...

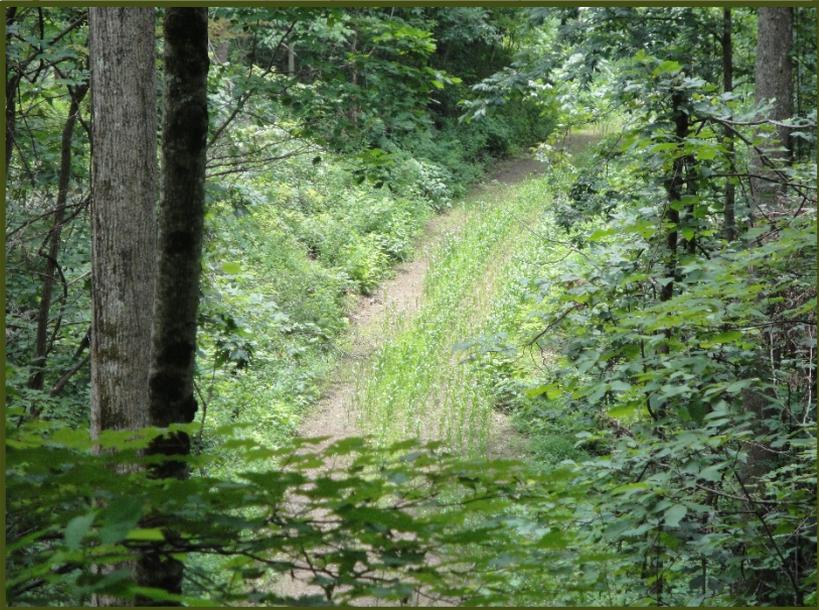
- Estimated project costs clearly identified in financial plan
- Actual project costs clearly identified and documented during implementation and reimbursement
- Clear and consistent communication among the “boots on the ground”

U.S. Forest Service

Attachment B: Financial Plan for Linear Wildlife Opening Restoration

OMB 0596-0217
FS-1500-17B

USFS Agreement No.: Mod. No.:
Cooperator Agreement No.:



i. Federal share now requested (Line g minus line h)	5,675.76	7,449.52	20,358.52	31,483.80
i. Advances required 1st month				

NORTH CAROLINA
Wildlife
RESOURCES
COMMISSION





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Questions?



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