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STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION OF FORESTS AND LANDS

172 Pembroke Road Concord, New Hampshire 03301
Phone: 271-2214 Fax: 271-6488 www.nhdfl.org

December 16, 2020

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court
and
His Excellency, Governor Christopher T. Sununu
and the Honorable Executive Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, authorize the Department of Natural and Cultural Resources, Division of Forest and Lands (Department) to accept and expend a Federal Grant Award #17-DG-11420004-157 in an amount up to $2,600,000 for the acquisition of Conservation Easements on 6,395 +/- acres in the towns of Campton and Sandwich in Grafton and Carroll Counties, New Hampshire, known as the "Beebe River Uplands Forest Legacy Project" (the Project) upon Fiscal Committee and Governor and Executive Council approval through June 30, 2021. 100% Federal Funds.

Funds are to be budgeted in account, Forest Legacy - II, as follows:

03-035-035-351010-35460000				
Class-Account	**Description**	**FY21 Current Budget**	**Requested Action**	**FY21 Revised Budget**
000-404735	Federal Funds	($100,459)	($2,600,000)	($2,700,459)
	Total Revenue	**($100,459)**	**($2,600,000)**	**($2,700,459)**
020-500200	Current Expenses	$17,814	$0	$17,814
030-500311	Equipment New Replacement	$4,000	$0	$4,000
033-509033	Land Acquisition & Easements	$53,409	$2,600,000	$2,653,409
041-500801	Audit Fund Set Aside	$92	$0	$92
046-500464	Consultants	$24,067	$0	$24,067
070-500705	In State Travel Reimbursement	$1,075	$0	$1,075
211-501530	Property and Casualty Insurance	$2	$0	$2
	Total Expenses	**$100,459**	**$2,600,000**	**$2,700,459**

EXPLANATION

The Department has received a Federal Financial Assistance Award of $2,600,000 under the State Grant Option of the Forest Legacy Program (Grant Award #17-DG-11420004-157) for the Project. Federal Forest Legacy Program Project Grants preclude the State from securing Indirect Costs or Audit Set Aside funds from such grant awards.

The conservation of the 6,395 +/- acres, contained in two tracts (Property), will protect a significant conservation and woodland resource. The Property encompasses 32% of the Beebe River watershed, and contains productive northern hardwood and conifer forests, valuable wildlife habitat and significant water resources along the Beebe River and its associated tributaries. The exceptional water quality spawns native brook trout. Its forests provide critical habitat for rare, threatened, and endangered species. The Property will be managed for sustainable timber production, wildlife habitat and water resource protection, and ensure public access for traditional public recreational opportunities including pedestrian public uses such as hiking, hunting, and fishing, and contains State designated snowmobiling trails.

The following appropriation is being requested for Fiscal Year 2021:

Class 033 – Land Acquisition & Easements $2,600,000 to purchase conservation easements.

The current budget for FY2021 is $100,459. The requested additional amount of $2,600,000 brings the revised FY2021 budget to $2,700,459.

In the event that Federal Funds are no longer available, General Funds will not be requested to support this project.

Respectfully submitted,

Patrick D. Hackley
Director

Concurred,

Sarah L. Stewart
Commissioner

State of New Hampshire
Department of Natural and Cultural Resources
Division of Forests and Lands

FISCAL SITUATION
03-035-035-351010-35460000
Forest Legacy - II

Current Budget for FY 2021	$ 35,000
Additional Federal Funds Budget Request	$2,600,000
Total Revised Budget for FY 2021	$2,635,000

USDA Forest Service

OMB 0596-0217
FS-1500-19

MODIFICATION OF GRANT OR AGREEMENT

PAGE	OF PAGES
1	6

1. U.S FOREST SERVICE GRANT/AGREEMENT NUMBER	2 RECIPIENT/COOPERATOR GRANT or AGREEMENT NUMBER, IF ANY	3 MODIFICATION NUMBER
17-DG-11420004-157		3

4. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING GRANT/AGREEMENT (unit name, street, city, state, and zip + 4)	5 NAME/ADDRESS OF U.S FOREST SERVICE UNIT ADMINISTERING PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4)
Eastern Region State & Private Forestry 626 E Wisconsin Ave, Milwaukee, WI 53202	State & Private Forestry, Cooperative Forestry 626 E Wisconsin Avenue, Milwaukee, WI 53202
6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip + 4, county): Natural and Cultural Resources, New Hampshire Department of 172 Pembroke Road, Concord, New Hampshire, 03301-5791	7. RECIPIENT/COOPERATOR'S HHS SUB ACCOUNT NUMBER (For HHS payment use only):

8. PURPOSE OF MODIFICATION

CHECK ALL THAT APPLY:	This modification is issued pursuant to the modification provision in the grant/agreement referenced in item no. 1, above.
✓	CHANGE IN PERFORMANCE PERIOD: One year extension to June 30, 2021
	CHANGE IN FUNDING:
	ADMINISTRATIVE CHANGES:
	OTHER (Specify type of modification):

Except as provided herein, all terms and conditions of the Grant/Agreement referenced in 1, above, remain unchanged and in full force and effect.

9. ADDITIONAL SPACE FOR DESCRIPTION OF MODIFICATION (add additional pages as needed):
Extension of performance period one year due to Covid-19 New grant expiration date = June 30, 2021

10. ATTACHED DOCUMENTATION (Check all that apply):

	Revised Scope of Work
	Revised Financial Plan
✓	Other: Request letter from New Hampshire Dept of Natural and Cultural Resources, Revised SF-424

11. SIGNATURES

AUTHORIZED REPRESENTATIVE: BY SIGNATURE BELOW, THE SIGNING PARTIES CERTIFY THAT THEY ARE THE OFFICIAL REPRESENTATIVES OF THEIR RESPECTIVE PARTIES AND AUTHORIZED TO ACT IN THEIR RESPECTIVE AREAS FOR MATTERS RELATED TO THE ABOVE-REFERENCED GRANT/AGREEMENT.

11.A. SIGNATURE	11.B. DATE SIGNED	11.C. U.S. FOREST SERVICE SIGNATURE	11.D. DATE SIGNED
(Signature of Signatory Official)	6/18/20	STEVEN MILLER Digitally signed by STEVEN MILLER Date: 2020.06.18 14:15:49 -05'00' (Signature of Signatory Official)	6/18/2020
11.E. NAME (type or print): William Guinn		11.F. NAME (type or print): Robert Lueckel	
11.G. TITLE (type or print): Acting Director		11.H. TITLE (type or print): Acting Regional Forester	

12. G&A REVIEW

12.A. The authority and format of this modification have been reviewed and approved for signature by:	12.B. DATE SIGNED
Digitally signed by MIDORI RAYMORE Reason: I have reviewed this document Date: 2020.06.16 11:07:35 -05'00' Midori C. Raymore U.S. Forest Service Grants & Agreements Specialist	6/16/20

USDA Forest Service

OMB 0596-0217
FS-1500-19

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION of FORESTS and LANDS
172 Pembroke Road Concord, New Hampshire 03301

603-271-2214
FAX: 603-271-6488

June 3, 2020

Midori C. Raymore
Supervisory Grants Management Specialist
Eastern Region State & Private Forestry, Grants & Agreements
626 East Wisconsin Ave
Milwaukee, Wisconsin 53202

Re: **Forest Legacy Project Grant, Increase in Duration**
Beebe River Project
Award Number NA-17-DG-11420004-157
July 1, 2017 - June 30, 2020

Dear Midori,

The Department of Natural and Cultural Resources, Division of Forests and Lands requests a time extension for completion of the Forest Legacy, Beebe River Project acquisition, Award No. 17-DG-11420004-157. Delays in moving the project tracts to appraisal have delayed project completion. We request that the duration of the grant be extended from June 30, 2020 to June 30, 2021 to allow additional time for completing the project.

A revised 424 and grant narrative for the project are included. Thank you for your consideration of this request. If additional information is needed, please contact me.

Sincerely,

William Guinn
Acting Director

cc: Kirston Buczar, USDA Forest Service, S&PF
Leslie Sherman, Forests and Lands
Susan Francher, Forests and Lands

OMB Number: 4040-0004
Expiration Date 10/31/2019

Application for Federal Assistance SF-424

* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☐ New	C: Increase Duration
☒ Application	☐ Continuation	* Other (Specify):
☐ Changed/Corrected Application	☒ Revision	

* 3. Date Received:	4. Applicant Identifier:
	State Application Identifier

5a. Federal Entity Identifier:	5b. Federal Award Identifier:
	17-DG-111420004-157

State Use Only:

6. Date Received by State:	7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: Department of Natural and Cultural Resources

* b. Employer/Taxpayer Identification Number (EIN/TIN):	* c. Organizational DUNS:
02-6000618	0734518380000

d. Address:

* Street1: 172 Pembroke Rd
Street2:
* City: Concord
County/Parish:
* State: NH: New Hampshire
Province:
* Country: USA: UNITED STATES
* Zip / Postal Code: 03301-0000

e. Organizational Unit:

Department Name:	Division Name:
DNCR	Forests and Lands

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. * First Name: William
Middle Name:
* Last Name: Guinn
Suffix:

Title: Acting Director

Organizational Affiliation:

* Telephone Number: 603-271-2214	Fax Number: 603-271-6485

* Email: william.guinn@dncr.nh.gov

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Se'ect Applicant Type:

* Other (specify).

*** 10. Name of Federal Agency:**

USDA Forest Service

11. Catalog of Federal Domestic Assistance Number:

10.676

CFDA Title:

Legacy Program

*** 12. Funding Opportunity Number:**

* Title:

Forest Legacy

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Forest Legacy

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: Two
* b. Program/Project: All

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2017
* b. End Date: 06/30/2021

18. Estimated Funding ($):

* a. Federal	2,600,000.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	870,000.00
* f. Program Income	
* g. TOTAL	3,470,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- [ ] a. This application was made available to the State under the Executive Order 12372 Process for review on .
- [ ] b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- [x] c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

- [ ] Yes
- [x] No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

- [x] ** I AGREE

** The list of certifications and assurances, or an Internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:	Mr.
* First Name:	William
Middle Name:	
* Last Name:	Guinn
Suffix:	
* Title:	Acting Director
* Telephone Number:	603-271-2214
* Fax Number:	603-271-6456
* Email:	william.guinn@dncr.nh.gov
* Signature of Authorized Representative:	
* Date Signed:	8/4/20

FEDERAL FINANCIAL ASSISTANCE
AWARD OF DOMESTIC GRANT 17-DG-11420004-157
Between The
NEW HAMPSHIRE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT
And The
USDA, FOREST SERVICE
NORTHEASTERN AREA STATE & PRIVATE FORESTRY

Project Title: Forest Legacy Acquisition - Beebe River Uplandss

Upon execution of this document, an award to New Hampshire Department of Resources and Economic Development, hereinafter referred to as "Recipient," in the amount of **$2,600,000**, is made under the authority of Cooperative Forestry Assistance Act of 1978, 16 U.S.C. 2101, et. seq., as ammended by the 1990 Farm Bill, Section 1217 of Title XII of the Food, Agriculture,Conservation and Trade Act of 1990, Public Law 101-624, 104 Stat. 3359, 16 U.S.C. 2103c; later ammended by the 1996 Farm Bill, Federal Agricultural Improvement and Reform Act of 1996; Public Law 104-127; Title III; Conservation; Subtitle G Forestry; Section 374, Optional State Grants for Forest Legacy Program. The Catalog of Federal Domestic Assistance (CFDA) number and name are Forest Legacy Acquistion, 10.676. NH DRED accepts this award for the purpose described in the application narrative. Your application for Federal financial assistance, dated May 26, 2017, and the attached Forest Service provisions, 'Forest Service Award Provisions,' are incorporated into this letter and made a part of this award.

This authority requires a match of 75/25. Your organization has agreed to meet a cost share of **$870,000**, as reflected in the attached application, financial plan and narrative.

All required reports and official correspondence must be sent to nagrants@fs.fed.us for internal recordkeeping and processing.

Program	Amount
Forest Legacy Acquisition	$2,600,000

This is an award of Federal financial assistance. Prime and sub-recipients to this award are subject to the OMB guidance in subparts A through F of 2 CFR Part 200 as adopted and supplemented by the USDA in 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to the OMB guidance in 2 CFR 200 where full text may be found.

Electronic copies of the CFRs can be obtained at the following internet site: www.ecfr.gov. If you are unable to retrieve these regulations electronically, please contact your Grants and Agreements Office at 610-557-4131, Vickie Caldwell.

The following administrative provisions apply to this award:

A. LEGAL AUTHORITY. NH DRED shall have the legal authority to enter into this award, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the non-Federal share of project costs, when applicable.

B. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this award.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Name: Susan Francher Telephone: 603-271-2214 Email: susan.francher@dred.nh.gov	Name: Leslie Sherman Telephone: 603-271-2215 Email: leslie.sherman@dred.nh.gov

Principal Forest Service Contacts:

Forest Service Program Manager Contact	Forest Service Administrative Contact
Name: Jada S. Jackson Telephone: 610-557-4141 Email: jsjackson@fs.fed.us	Name: Vickie Caldwell Telephone: 610-557-4131 Email: vcaldwell@fs.fed.us

C. SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM). NH DRED shall maintain current information in the System for Award Management (SAM) until receipt of final payment. This requires review and update to the information at least annually after the initial registration, and more frequently if required by changes in information or award term(s). For purposes of this award, System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a Cooperative. Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.

D. REIMBURSABLE PAYMENTS – FINANCIAL ASSISTANCE. Reimbursable payments are approved under this award. Only costs for those project activities approved in (1) the initial award, or (2) modifications thereto, are allowable. Requests for payment must be submitted on Standard Form 270 (SF-270), Request for Advance or Reimbursement, and must be submitted no more than monthly. In order to approve a Request for Advance Payment or Reimbursement, the Forest Service shall review such requests to ensure advances or payments for reimbursement are in compliance and otherwise consistent with OMB, USDA, and Forest Service regulations.

Advance payments must not exceed the minimum amount needed or no more than is needed for a 30-day period, whichever is less. If the Recipient receives an advance payment and subsequently requests an advance or reimbursement payment, then the request must clearly demonstrate that the previously advanced funds have been fully expended before the Forest Service can approve the request for payment. Any funds advanced, but not spent, upon expiration of this award must be returned to the Forest Service.

The Program Manager reserves the right to request additional information prior to approving a payment.

The invoice must be sent by one of three methods:
EMAIL (preferred): asc_ga@fs.fed.us
FAX: 877-687-4894
POSTAL: Albuquerque Service Center Payments – Grants & Agreements 101B Sun Ave NE Albuquerque, NM 87109

E. PRIOR WRITTEN APPROVAL. NH DRED shall obtain prior written approval pursuant to conditions set forth in 2 CFR 200.407.

F. MODIFICATIONS. Modifications within the scope of this award must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change. The Forest Service is not obligated to fund any changes not properly approved in advance.

G. PERIOD OF PERFORMANCE. This agreement is executed as of the date of the Forest Service signatory official signature.

The start date of this award is **July 1, 2017**, pre-award costs are authorized pursuant to 2 CFR 200.458.

The end date, or expiration date is **June 30, 2019.** This instrument may be extended by a properly executed modification.

H. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this award. In witness whereof the parties hereto have executed this award.

8/1/17

BRAD W. SIMPKINS
Director
New Hampshire Department of Resources and
Economic Development

Date

For 7/31/17

MARY BETH BORST
Acting Area Director
Northeastern Area State & Private Forestry

Date

The authority and the format of this award have been reviewed and approved for signature.

Vickie M. Caldwell 7/31/17

VICKIE CALDWELL
Forest Service Grants Management Specialist

Date

ATTACHMENT A: FOREST SERVICE AWARD PROVISIONS

A. COLLABORATIVE ARRANGEMENTS. Where permitted by terms of the award and Federal law, NH DRED a may enter into collaborative arrangements with other organizations to jointly carry out activities with Forest Service funds available under this award.

B. FOREST SERVICE LIABILITY TO THE RECIPIENT. The United States shall not be liable to NH DRED for any costs, damages, claims, liabilities, and judgments that arise in connection with the performance of work under this award, including damage to any property owned by NH DRED or any third party.

C. NOTICES. Any notice given by the Forest Service or NH DRED will be sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the Forest Service Program Manager, at the address specified in the award.

To NH DRED,at the address shown in the award or such other address designated within the award.

Notices will be effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

D. SUBAWARDS. NH DRED shall notify Subrecipients under this award that they are subject to the OMB guidance in subparts A through F of 2 CFR Part 200, as adopted and supplemented by the USDA in 2 CFR Part 400. Any sub-award must follow the regulations found in 2 CFR 200.330 through .332.

E. USE OF FOREST SERVICE INSIGNIA. In order for NH DRED to use the Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted by the Forest Service's Office of Communications (Washington Office). A written request will be submitted by Forest Service, Program Manager, to the Office of Communications Assistant Director, Visual Information and Publishing Services prior to use of the insignia. The Forest Service Program Manager will notify NH DRED when permission is granted.

F. MEMBERS OF CONGRESS. Pursuant to 41 U.S.C. 22, no member of, or delegate to, Congress shall be admitted to any share or part of this award, or benefits that may arise therefrom, either directly or indirectly.

G. TRAFFICKING IN PERSONS.

1. Provisions applicable to a Recipient that is a private entity.

   a. You as the Recipient, your employees, Subrecipients under this award, and Subrecipients' employees may not:

(1) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
(2) Procure a commercial sex act during the period of time that the award is in effect; or
(3) Use forced labor in the performance of the award or subawards under the award.

b. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a Subrecipient that is a private entity:
   (1) Is determined to have violated a prohibition in paragraph a.1 of this award term; or
   (2) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either:
      i. Associated with performance under this award; or
      ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),".

2. Provision applicable to a Recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity:
   a. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
   b. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
      (1) Associated with performance under this award; or
      (2) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),"

3. Provisions applicable to any recipient.
   a. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
   b. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
      (1) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
      (2) Is in addition to all other remedies for noncompliance that are available to us under this award.
   c. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

4. Definitions. For purposes of this award term:
   a. "Employee" means either:
      (1) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
      (2) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
   b. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
   c. "Private entity":
      (1) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
      (2) Includes:
         i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
         ii. A for-profit organization.
   d. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

H. DRUG-FREE WORKPLACE.

1. NH DRED agree(s) that it will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of any project/program that receives federal funding. The statement must
   a. Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;
   b. Specify the actions NH DRED will take against employees for violating that prohibition; and
   c. Let each employee know that, as a condition of employment under any award, the employee:

      (1) Shall abide by the terms of the statement, and
      (2) Shall notify NH DRED in writing if they are convicted for a violation of a criminal drug statute occurring in the workplace, and shall do so no more than 5 calendar days after the conviction.

2. NH DRED agree(s) that it will establish an ongoing drug-free awareness program to inform employ ees about
   a. The dangers of drug abuse in the workplace;
   b. The established policy of maintaining a drug-free workplace;

c. Any available drug counseling, rehabilitation and employee assistance programs; and
d. The penalties that you may impose upon them for drug abuse violations occurring in the workplace.

3. Without the Program Manager's expressed written approval, the policy statement and program must be in place as soon as possible, no later than the 30 days after the effective date of this instrument, or the completion date of this award, whichever occurs first.

4. NH DRED agrees to immediately notify the Program Manager if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, the award number of each award on which the employee worked. The notification must be sent to the Program Manager within 10 calendar days after NH DRED learns of the conviction.

5. Within 30 calendar days of learning about an employee's conviction, NH DRED must either
   a. Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 USC 794), as amended, or
   b. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

I. PROHIBITION AGAINST USING FUNDS WITH ENTITIES THAT REQUIRE CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS.

1. The recipient may not require its employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
2. The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (1) of this award provision are no longer in effect.
3. The prohibition in paragraph (1) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.
4. If the Government determines that the recipient is not in compliance with this award provision, it;
   a. Will prohibit the recipient's use of funds under this award in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; and

b. May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.

J. ELIGIBLE WORKERS. NH DRED shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 USC 1324a). NH DRED shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract or supplemental instruments awarded under this award.

K. FINANCIAL STATUS REPORTING. A Federal Financial Report, Standard Form SF-425(and Federal Financial Report Attachment, SF-425A, if required for reporting multiple awards), must be submitted annually. These reports are due 90 days after the reporting period ending December 31st of each year. The final SF-425 (and SF-425A, if applicable) must be submitted either with the final payment request or no later than 90 days from the expiration date of the award. These forms may be found at www.whitehouse.gov/omb/grants_forms.

L. PROGRAM PERFORMANCE REPORTS. The recipient shall perform all actions identified and funded in application/modification narratives within the performance period identified in award.

In accordance with 2 CFR 200 301, reports must relate financial data to performance accomplishments of the federal award.

NH DRED shall submit annual performance reports. These reports are due 90 days after the reporting period. The final performance report shall be submitted either with NH DRED's final payment request, or separately, but not later than 90 days from the expiration date of the award.

- Additional pertinent information: Send all reporting to nagrants@fs.fed.us

M. NOTIFICATION. NH DRED shall immediately notify the Forest Service of developments that have a significant impact on the activities supported under this award. Also, notification must be given in case of problems, delays or adverse conditions that materially impair the ability to meet the objectives of the award. This notification must include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

N. FREEDOM OF INFORMATION ACT (FOIA). Public access to award or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552). Requests for research data are subject to 2 CFR 315(e).

Public access to culturally sensitive data and information of Federally-recognized Tribes may also be explicitly limited by P.L. 110-234, Title VIII Subtitle B §8106 (2009 Farm Bill).

O. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperatives, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

P. PUBLIC NOTICES. It is Forest Service's policy to inform the public as fully as possible of its programs and activities. NH DRED is encouraged to give public notice of the receipt of this award and, from time to time, to announce progress and accomplishments.

NH DRED may call on Forest Service's Office of Communication for advice regarding public notices. NH DRED is requested to provide copies of notices or announcements to the Forest Service Program Manager and to Forest Service's Office Communications as far in advance of release as possible.

Q. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS, AND ELECTRONIC MEDIA. NH DRED shall acknowledge Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this award. Follow direction in USDA Supplemental 2 CFR 415.2.

R. COPYRIGHTING. NH DRED is/are granted sole and exclusive right to copyright any publications developed as a result of this award. This includes the right to publish and vend throughout the world in any language and in all media and forms, in whole or in part, for the full term of copyright and all renewals thereof in accordance with this award.

No original text or graphics produced and submitted by the Forest Service shall be copyrighted. The Forest Service reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for federal government purposes. This right shall be transferred to any sub-awards, sub-

awards or subcontracts.

This provision includes:

- The copyright in any work developed by NH DRED under this award.
- Any right of copyright to which NH DRED purchase(s) ownership with any federal contributions.

S. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. NH DRED shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

T. AWARD CLOSEOUT. The Recipient must submit, no later than 90 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award.

Any unobligated balance of cash advanced to NH DRED must be immediately refunded to the Forest Service, including any interest earned in accordance with 2 CFR 200.343(d).

If this award is closed without audit, the Forest Service reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

U. TERMINATION. This award may be terminated, in whole or part pursuant to 2 CFR 200.339.

V. DISPUTES.

1. Any dispute under this award shall be decided by the Area Director. The Area Director shall furnish NH DRED a written copy of the decision.

2. Decisions of the Area Director shall be final unless, within 30 days of receipt of the decision of the Area Director, NH DRED appeal(s) the decision to the Forest Service's Director, Acquisition Management (AQM). Any appeal made under this provision shall be in writing and addressed to the Director, AQM, USDA, Forest Service, Washington, DC 20024. A copy of the appeal shall be concurrently furnished to the Area Director.

3. In order to facilitate review on the record by the Director, AQM, NH DRED shall be given an opportunity to submit written evidence in support of its appeal. No hearing will be provided.

4. A decision under this provision by the Director, AQM is final.

5. The final decision by the Director, AQM does not preclude NH DRED from pursuing remedies available under the law.

W. DEBARMENT AND SUSPENSION. NH DRED shall immediately inform the Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should NH DRED or any of their principals receive a transmittal letter or other official federal notice of debarment or suspension, then they shall notify the Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary. The Recipient shall adhere to 2 CFR Part 180 Subpart C in regards to review of sub-recipients or contracts for debarment and suspension.

All subrecipients and contractors must complete the form AD-1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Lower Tier Covered Transactions. Blank forms are available electronically. Completed forms must be kept on file with the primary recipient.

ATTACHMENT B: 2 CFR PART 170

Appendix A to Part 170—Award Term

I. Reporting Subawards and Executive Compensation.

a. *Reporting of first-tier subawards.*

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates $25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111–5) for a subaward to an entity (see definitions in paragraph e. of this award term).
2. *Where and when to report.*
   i. You must report each obligating action described in paragraph a.1. of this award term to *http://www.fsrs.gov.*
   ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
3. *What to report.* You must report the information about each obligating action that the submission instructions posted at *http://www.fsrs.gov specify.*

b. *Reporting Total Compensation of Recipient Executives.*

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
   i. the total Federal funding authorized to date under this award is $25,000 or more;
   ii. in the preceding fiscal year, you received—
      (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
      (B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
   iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at *http://www.sec.gov/answers/execomp.htm.*)
2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:
   i. As part of your registration profile at *http://www.sam.gov.*
   ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. *Reporting of Total Compensation of Subrecipient Executives.*

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
   i. in the subrecipient's preceding fiscal year, the subrecipient received—
      (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
      (B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
   ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at *http://www.sec.gov/answers/execomp.htm.*)
2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
   i. To the recipient.
   ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. *Exemptions* If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:

1. Subawards, and
2. The total compensation of the five most highly compensated executives of any subrecipient.

e. *Definitions.* For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:
   i. A Governmental organization, which is a State, local government, or Indian tribe;
   ii. A foreign public entity;
   iii. A domestic or foreign nonprofit organization;
   iv. A domestic or foreign for-profit organization;
   v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
2. *Executive* means officers, managing partners, or any other employees in management positions.
3. *Subaward:*

i. This term means a legal agreement to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ll .210 of the attachment to OMB Circular A–133, "Audits of States, Local Governments, and Non-Profit Organizations").
iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:
   i. Receives a subaward from you (the recipient) under this award; and
   ii. Is accountable to you for the use of the Federal funds provided by the subaward.
5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
   i. *Salary and bonus.*
   ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
   iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
   iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
   v. *Above-market earnings on deferred compensation which is not tax-qualified.* vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

END OF ATTACHMENT B: 2 CFR PART 170

ATTACHMENT C: FOREST LEGACY PROGRAM AWARD PROVISIONS

A. BACKGROUND. The Cooperative Forestry Assistance Act (CFAA) of 1978, as amended, (16 U.S.C. 2103c et. seq.) provides authority for the U.S. Secretary of Agriculture to establish the Forest Legacy Program to protect environmentally important forests areas that are threatened by conversion to non forest uses. This authority continues indefinitely. Through the 1996 Farm Bill (Federal Agricultural Improvement and Reform Act of 1996; Public Law 104-127; Title III - conservation; Subtitle G - Forestry; Section 374, Optional Grants for Forest Legacy Program), the Secretary is authorized, at the request of a participating State, to make a grant to the State to carry out the Forest Legacy Program in the State, including the acquisition by the State of lands and interests in lands. Forest Legacy Program delivery is guided by the national Forest Legacy Program Implementation Guidelines (revised 6/30/2003, amended 12/21/2011).

B. SUPPORT PROGRAM GOALS: The Grant Recipient must ensure that all acquisitions conducted under this grant meets the conservation objectives and goals of the Forest Legacy Program, which can be found in the Forest Legacy Program's authorization, Forest Legacy Program Implementation Guidelines, and the State Forest Resource Assessment and Strategy (Forest Action Plan) and associated Forest Legacy Program Assessment of Need.

C. FUNDING:

1. Funds under this Forest Legacy Program grant award must be used for the acquisition of lands or interests in lands and associated real estate transaction costs for projects and donations, including but not limited to appraisals including review appraisals (excluding appraisals and review appraisals for donations), minerals assessments, land surveys, baseline documentation, title reports, title insurance, and State's cost for conservation easement negotiation and drafting.
2. Forest Legacy Program funds are prohibited from being used on (1) management of acquired lands or interests in lands including, monitoring of conservation easements, (2) enforcement actions, and (3) payment for appraisals of donated property when the donation represents the full and total value.
3. For advanced payments, the Grant Recipient must notify the Forest Service's Forest Legacy Program Manager at least 60 days in advance of the acquisition closing date and submit all necessary documentation for final review and concurrence. Advanced payments must be approved by the Forest Service's Forest Legacy Program Manager and and the funds cannot be made available to the Grant Recipient more than 30 days in advance of the acquisition closing date.

D. COST SHARE:

1. Forest Legacy Program cost share requirements are that the federal funds cannot exceed 75 percent of the total project cost. The non-federal cost share may include cash, donation of land or interest in lands, and/or in-kind services and must be documented on a project basis.

2. Any donation of land or interest in lands used for cost share for this Forest Legacy Program grant must comply with the following requirements.
   i. The donation contributes to the objectives and priorities of the State FLP as set forth in the State Forest Resource Assessment and Strategy (Forest Action Plan) and associated Forest Legacy Program Assessment of Need;
   ii. All or part of the tract being donated must be within the boundaries of an Forest Legacy Area;
   iii. The donor documents their desire that value of the interests may be used as cost share for the FLP project;
   iv. The donation of land or an interest in land must contain perpetual covenants to assure that the tract will be managed in a manner compatible with the goals for which the Forest Legacy Program and the specific Forest Legacy Area were established;
   v. The donee (holder of donated rights) is a unit of government or a non-profit conservation organization (land trust) that meets the eligibility requirements for holding a conservation easement established by the Internal Revenue Service and has as its purpose the management of lands or interests in land consistent with FLP purposes;
   vi. If the donation is in the form of a conservation easement then the deed needs to contain a provision that directs all of the easement holder's proceeds from a subsequent sale or exchange of interests in land be used in a manner consistent with the conservation purposes identified for the subject interests in lands;
   vii. The respective portion of the donation must not have been previously credited towards any Federal program's nonfederal cost share; and
   viii. The Grant Recipient approves the donation as contributing to the cost-share.

E. APPROVAL OF PROJECT CHANGES. The Grant Recipient must submit in writing any changes to the project configuration as described in the grant narrative for approval to both the State Forest Stewardship Coordinating Committee and the Forest Service. Such changes could include, but are not limited to: changes in status of public access, change in proposed reserved rights by landowners, change in acreage, and change in conservation values of the property.

F. PROGRAM REQUIREMENTS: The Grant Recipient shall ensure that all land(s) or interests in land(s) acquired under this grant, meet the following requirements:
   1. Are located within the boundaries of an approved Forest Legacy Area as identified in the State Forest Resource Assessment and Strategy (Forest Action Plan) and associated Forest Legacy Program Assessment of Need.
   2. Prior to acquisition of a conservation easement, a forest stewardship plan or other multi-resource management plan will be prepared by the landowner and approved by the State Forester or her/his designee. A plan is not needed if the landowner does not retain the right to harvest timber or conduct other land management activities. This plan must include the environmental values to be protected, the management activities that are planned and how they affect the environment values identified (16

USC 2103 (d)(1)) (16 USC 2103 (i)). Modifications to the plan are to be agreed to by the State lead agency.

3. Ensure that the title is free and unencumbered and/or that title insurance is secured in the name of the Grant Recipient for the full value of the encumbered property. Identify any existing easements, covenants or long-term contracts, which are recorded or unrecorded, or any rights that may be held by a third party. Any encumbrance to the title must be deemed by the Grant Recipient as not affecting the purpose for which the land or interests in land is being acquired. Title insurance does not substitute for free and unencumbered title.
4. Evaluate any preexisting severed mineral reservations or leases and then make a determination as to whether the acquisition of mineral rights, prohibition on reserved areas, or an exclusion of the area that does not comply with FLP, would be necessary in order to protect the other rights that are being considered for acquisition. In some situations, it may be impossible to protect environmentally important forest areas without acquiring the mineral rights.
5. Notify the landowner in writing of the market value of the property, that eminent domain will not be used, and that the property will not be acquired if negotiations fail to result in an amicable agreement.
6. Complete a baseline documentation for each conservation easement tract and ensure it depicts the attributes of land on the day it is restricted by a conservation easement.
7. Ensure that the Grant Recipient or its assignee will monitor the lands annually for conformance with the terms of the conservation easement.
8. The consideration paid to any landowner must be no more than the market value of the conveyed lands or interests as determined by an appraisal that conforms to the most current version of the Uniform Appraisal Standards for Federal Land Acquisitions, and meet the following requirements:
   i. Be completed by an appraiser licensed in the State and who meets the qualifications specified in the Forest Legacy Program Implementation Guidelines, Appendix H;
   ii. The appraiser and a qualified review appraiser will engage in an initial consultation before the project appraisal takes place;
   iii. The review appraiser will develop project specific appraisal instructions for the appraiser as a result of this consultation;
   iv. The effective date of value should reflect current market conditions;
   v. A qualified review appraiser will attest to Federal Appraisal Standard conformance; and
   vi. The State may be asked to consult with a Forest Service qualified review appraiser prior to or during the appraisal process.

G. <u>ACQUISITION REQUIREMENTS</u>: The Grant Recipient shall ensure that the recorded deed(s) or conservation easement(s) for all land or interests in land acquired under this grant contain the following requirements:

1. Clearly state the purposes for which the land is entering into the Forest Legacy Program and that the purposes are consistent with the Forest Legacy Program.
2. Require that a governmental entity must hold the lands or interests in land in perpetuity.

3. Consistent with the SF424d Assurance #3 of this grant award, include a statement stating that all land or interests in land acquired under this grant will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. In addition, in the event the interests acquired with Forest Legacy Program funds made available through this grant are ever sold, exchanged, or otherwise disposed of, that the State shall reimburse the United States for the market value of the interests in land at the time of disposal, provided that the Secretary of Agriculture may exercise discretion to consent to such sale, exchange, or disposition upon the State's tender of other equal valued consideration acceptable to the Secretary.
4. Require that no less than seventy-five percent of the lands or interests in lands are in forest cover or will be reforested within ten years. Up to twenty-five percent of the protected area may be compatible nonforest uses, including cultivated farmland, pasture, grassland, shrub land, open water, and wetlands.
5. Require that the landowner must manage the property in a manner that is consistent with the purposes for which the land was entered in the Forest Legacy Program and that the landowner shall not convert the property to other uses.
6. For each conservation easement tract, require that all forest management activities must be conducted in accordance with the approved forest stewardship plan or a multi-resource management plan, described above.
7. Generally prohibit the subdivision of the encumbered land. If allowed, the easement should specify the number, sizes, and locations of divisions, and ensure that, when appropriate, the conservation easement will be rerecorded for all parcels at the time of subdivision.
8. Generally exclude nonforest uses that are inconsistent with maintaining forest cover, and when allowed, these uses should be in a reserved area. Reserved Areas are designated areas where nonforest uses (e.g. house, barn, remote recreation camps, etc.) are or will be allowed, but are inseparable from the land holding and do not have a detrimental effect on the conservation easement values. These areas shall be defined and described in the conservation easement and may be restricted in terms of their use.
9. Generally prohibit extensive surface disturbances including residential, commercial, and industrial development, and mining. Limited excavation of sand and gravel for on-site use for roads and landings may be allowed, and the conservation easement must be clearly describe the location and use.
10. Pursuant to USDA Attorney guidance, there is to be no reference to carbon, or other ecosystem service credits in conservation easements.
11. Ensure the right to enter the property to conduct annual monitoring of the conservation easement.

H. <u>PROJECT CONCLUSION:</u> The Grant Recipient shall complete the following actions upon completion of the Forest Legacy Project:

1. As a condition of this grant, the Grant Recipient may be required to publicly acknowledge (through news articles, posting of Forest Legacy signs on the land, and/or include in publications) the USDA Forest Service and specifically the Forest Legacy Program as the/a source of funding for this/these project(s).

2. Update the Forest Legacy Information System (FLIS) with the closing dates, final acreages and Forest Legacy payments and cost share information for the project.
3. Provide a Geographic Information System (GIS) shapefile in accordance with Forest Legacy Program data standard, of the rights acquired to the Forest Service.
4. Comply with the Forest Legacy Program record keeping requirements as outlines in Forest Legacy Program Implementation Guidelines, Appendix G.

I. POST-GRANT REQUIREMENTS: The Grant Recipient shall complete the following actions upon closing of the Forest Legacy Program grant:
1. The Grant Recipient or its assigns shall monitor and manage lands for conformance to Forest Legacy purposes and the conservation easement to which they are subject, periodically, not less than annually and in accordance with the Forest Legacy Program Implementation Guidelines.
2. As a condition of this grant the Forest Service may request an annual report on the status of monitoring and management of the lands or interests in lands that were entered into the Forest Legacy Program.

8/1/17

BRAD W. SIMPKINS Date
Director
New Hampshire Department of Resources and
Economic Development

For 7/31/17

MARY BETH BORST Date
Acting Area Director
U.S. Forest Service, Northeastern Area State and
Private Forestry