



State of New Hampshire
DEPARTMENT OF NATURAL & CULTURAL RESOURCES
DIVISION OF FORESTS & LANDS

172 Pembroke Road Concord, New Hampshire 03301
Phone: 603-271-2214 Fax: 603-271-6488
TDD Access: Relay NH 1-800-735-2964
nhdfl.dncr.nh.gov



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January 15, 2025

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court and

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, the Department of Natural and Cultural Resources (DNCR), Division of Forests and Lands respectfully requests authorization to accept and expend a Federal Grant Award #22-DG-11094200-109 in the amount of \$1,665,000 from the United States Department of Agriculture, United States Forest Service to purchase a Conservation Easement on 4,103 +/- acres in the town of Gorham in Coos County, New Hampshire, known as the "Androscoggin Valley Corridor Project" (the Project) for the purpose of protecting natural resources and ensuring continued access, effective upon Fiscal Committee and Governor and Executive Council approval through June 30, 2025. 100% Federal Funds

Funds to be budgeted in the following account:
03-035-035-351010-35460000, Forest Legacy

Class-Account- RG	Class Description	FY25 Current Adjusted Authorized	Requested Action	Revised FY25 Adjusted Authorized
000-404735-16	Federal Funds	\$56,102	\$1,665,000	\$1,721,102
	Total Revenue	\$56,102	\$1,665,000	\$1,721,102
020-500200	Current Expenses	\$11,636	\$0	\$11,636
030-500311	Equipment New/Replacement	\$1,458	\$0	\$1,458
033-509033	Land Acquisition and Easements	\$9,206	\$1,665,000	\$1,674,206
040-501587	Indirect Costs	\$5,113	\$0	\$5,113
041-500801	Audit Fund Set Aside	\$101	\$0	\$101
046-500464	Consultants	\$26,000	\$0	\$26,000
050-500109	Personal Service-Temp/Appoint	\$2	\$0	\$2

070-500705	In-State Travel Reimbursement	\$2,582	\$0	\$2,582
211-501530	Catastrophic Casualty Ins	\$4	\$0	\$4
	Total Expenses	\$56,102	\$1,665,000	\$1,721,102

EXPLANATION

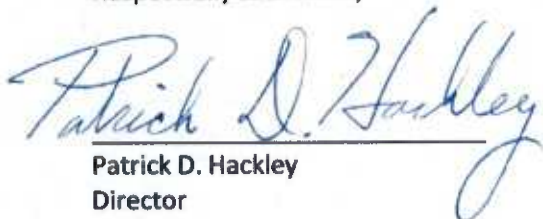
The Division of Forests and Lands requests authorization to accept and expend Forest Legacy Grant #22-DG-11094200-109 of \$1,665,000 from the United States Department of Agriculture, United States Forest Service to purchase a Conservation Easement on 4,103 +/- acres in the town of Gorham in Coos County, New Hampshire, known as the "Androscoggin Valley Corridor Project" (the Project). The conservation of the 4,103 +/- acres, contained in this Project, will protect a significant conservation and woodland resource. Rising from the valley floor of the Androscoggin River in the town of Gorham in Coos County, the project spans a connective corridor between conserved lands and significant forest blocks, and forms the scenic backdrop for downtowns, recreational trails, and scenic byways. The project includes high quality forest soils, an 8.5 mile boundary with the White Mountain National Forest, 34 miles of riparian frontage, 24 miles of recreational trails, and New Hampshire's largest bat hibernaculum.

Forest Legacy is a federal program created to conserve and protect forest land that is threatened by conversion to non-forest uses, authorized under the 1990 Farm Bill (PL 101-624). Protection will be achieved through acquisition of conservation easements and fee acquisition. Since 1990, the Division of Forests and Lands has held the responsibility of administering the New Hampshire State Forest Legacy Program whereby over 269,000 acres of undeveloped forestlands have been protected through conservation easements. The Legacy Program works voluntarily with landowners seeking to assure their lands remain as working forests.

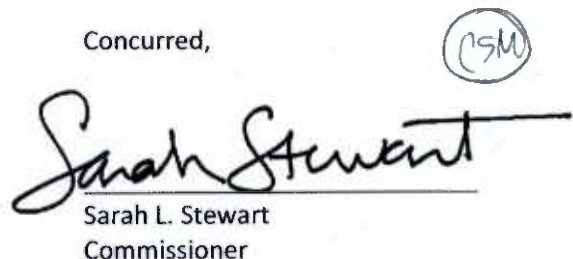
The following appropriation adjustments are being requested:

Class 033 – Land Acquisition and Easements – Appropriation increased by \$1,665,000 to purchase a Conservation Easement on 4,103 +/- acres in the town of Gorham in Coos County, New Hampshire, known as the "Androscoggin Valley Corridor Project".

Respectfully submitted,


Patrick D. Hackley
Director

Concurred,


Sarah L. Stewart
Commissioner



USDA Forest Service

OMB 0596-0217
FS-1500-19**MODIFICATION OF GRANT OR AGREEMENT**

PAGE 1 OF 3

1. U.S. FOREST SERVICE GRANT/AGREEMENT NUMBER: 22-DG-11094200-109	2. RECIPIENT/COOPERATOR GRANT or AGREEMENT NUMBER, IF ANY:	3. MODIFICATION NUMBER: 002
4. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING GRANT/AGREEMENT (unit name, street, city, state, and zip + 4): Eastern Region, State, Private and Tribal Forestry 626 East Wisconsin Ave Milwaukee, WI 53202	5. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4): Eastern Region, State, Private and Tribal Forestry 626 East Wisconsin Ave Milwaukee, WI 53202	
6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip + 4, county): State Department of New Hampshire Department of Natural and Cultural Resources 172 Pembroke RD Concord, NH 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: Expiration date extended to 06/30/2027.
☐	CHANGE IN FUNDING:
☐	ADMINISTRATIVE CHANGES:
☒	OTHER (Specify type of modification): Updated SAM.gov provision

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):

10. ATTACHED DOCUMENTATION (Check all that apply):

☒	Revised Scope of Work
☐	Revised Financial Plan
☐	Other:

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. NH DNCR SIGNATURE Sarah L. Stewart Digitally signed by Sarah L. Stewart DN: CN = Sarah L. Stewart email = sarah.stewart@nh.gov, C = US, O = State of New Hampshire, OU = Office of the Commissioner	11.B. DATE SIGNED	11.C. U.S. FOREST SERVICE SIGNATURE ROBERT LUECKEL Digitally signed by ROBERT LUECKEL Date: 2024.03.11 14:44:17 -0500	11.D. DATE SIGNED
(Signature of Signatory Official)		(Signature of Signatory Official)	
11.E. NAME (type or print): SARAH STEWART		11.F. NAME (type or print): ROBERT LUECKEL	
11.G. TITLE (type or print): Commissioner		11.H. TITLE (type or print): Deputy Regional Forester	

12. G&A REVIEW

12.A. The authority and format of this modification have been reviewed and approved for signature by: NICOLE PELTIER Digitally signed by NICOLE PELTIER Date: 2024.02.29 07:16:46 -0500 NICOLE PELTIER U.S. Forest Service Grants & Agreements Specialist	12.B. DATE SIGNED
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**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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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.

Federal Assistance Identification Number: 22-DG-11094200-109 Modification #002

Award Project Title: Forest Legacy Acquisition Androscoggin Valley Corridor

Update to Award Provision(s):

I. Purpose: Due to a change in agency policy and procedure, the following updated provision shall replace the existing provision in the executed award letter, as and where noted below:

C. SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM).

The Cooperator shall maintain current organizational information and the original Unique Entity Identifier (UEI) provided for this agreement in the System for Award Management (SAM) until receipt of final payment. This requires annual review and updates, when needed, of organizational information after the initial registration. More frequent review and updates may be required for changes in organizational information or agreement term(s). Any change to the original UEI provided in this agreement will result in termination of this agreement and de-obligation of any remaining funds. For purposes of this agreement, 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.



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

January 9, 2024

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

Re: **Forest Legacy, Androscoggin Valley Corridor Modification**
Grant # 22-DG-11094200-109

Dear Midori,

The Department of Natural and Cultural Resources, Division of Forests and Lands requests a time extension for completion of the Forest Legacy, Androscoggin Valley Corridor Project acquisition, Award No. 22-DG-11094200-109. Delays in title work and easement negotiations have delayed project completion. We request that the duration of the grant be extended from 6/30/2024 to 6/30/2027 to allow time for completing the project.

Attached is a copy of the revised 424, 424C, and grant narrative. Please let me know if additional information is needed.

Sincerely,

Sarah Stewart
Commissioner

cc: Kirston Buczak, USDA Forest Service, S&PF
Leslie Sherman, Forests and Lands
Mark Faulkenberry, Forests and Lands

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☐ New
☐ Continuation
☒ Revision

*** If Revision, select appropriate letter(s):**

C: Increase Duration

*** Other (Specify):**

*** 3. Date Received:**

4. Applicant Identifier:

State Application Identifier

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

22-DG-11094200-109

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

State of New Hampshire

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

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

02-60000618

*** c. UEI:**

T77EFP2MXG9

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:

DNCR

Division Name:

Forests and Lands

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

Prefix:

Mr.

*** First Name:**

Mark

Middle Name:

*** Last Name:**

Faulkenberry

Suffix:

Title: Administrator

Organizational Affiliation:

*** Telephone Number:** 603-271-4159

Fax Number: 603-271-6488

*** Email:** mark.s.faulkenberry@dnrc.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: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

USDA Forest Service

11. Catalog of Federal Domestic Assistance Number:

10.676

CFDA Title:

Forest Legacy

* 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 * b. Program/Project

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

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	1,665,000.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	562,000.00
* f. Program Income	
* g. TOTAL	2,227,000.00

*** 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.☒ 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 ☒ No

If "Yes", provide explanation and attach

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)

☒ ** 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: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title: * Telephone Number: Fax Number: * Email:

* Signature of Authorized Representative:



* Date Signed:

**STATE OF NEW HAMPSHIRE
FOREST LEGACY PROGRAM
PROJECT ACQUISITION NARRATIVE
FISCAL YEAR 2022**

1. LEAD CONTACTS:

State Forest Legacy Program Contact: Mark Faulkenberry, mark.s.faulkenberry@dn-cr.nh.gov

State financial activity Contact: Leslie Sherman, leslie.a.sherman@dn-cr.nh.gov

2. 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 provide financial, technical, educational, and related assistance to States, communities and private forest landowners. Section 1217 of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624:104 stat. 3359), also referred to as the 1990 Farm Bill, amended the CFAA and allows the Secretary to establish the Forest Legacy Program (FLP) 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 FLP in the State, including the acquisition by the State of lands and interests in lands. Forest Legacy Program delivery is guided by the FLP Implementation Guidelines (2017).

3. PURPOSE: The FLP identifies and protects environmentally important private forest lands that are threatened by conversion to nonforest uses. Within this program, a State grant option exists. The State of New Hampshire wishes to exercise the State Option and is requesting a grant for the acquisition of lands or interests in lands located within our North Country Forest Legacy Area. The Androscoggin Valley Corridor Project will conserve four tracts of valuable working forestland totaling 4,881 acres in New Hampshire's northern White Mountains. The Project establishes a connective corridor between the 780,000-acre White Mountain National Forest (WMNF) and 33,926 acres of previous FLP investments totaling \$6.74 million, and shares 8.5 mi. of boundary with the WMNF and the Appalachian National Scenic Trail (AT). Gorham, NH is the recreational gateway for the northern White Mountains. The Project features many of the region's vital community assets: 24 miles of recreational trail and Gorham's iconic downtown viewshed. It contains critical habitat for the Mascot Mine hibernaculum, NH's largest bat hibernaculum and home to the federally threatened Northern Long-Eared Bat. It also contains one of NH's 27 confirmed nesting sites for the state-threatened peregrine falcon, and 28 miles of stream frontage, habitat for native brook trout, a NH Species of Greatest Conservation Need. The State of New Hampshire wishes to purchase a conservation easement in the parcel of land or lands in furtherance of the New Hampshire FLP. This tract is found in a Forest Legacy Area that the State identified and subsequently was authorized by the Secretary of Agriculture as having significant public values, values of both national and state significance. Specifically, the public values being protected by this project are: sustainable flow of forest products supporting the local forest-based economy, public access for pedestrian recreation, water quality protection, and wildlife & endangered species habitat protection.

The Federal role is to promote forest conservation through collaborating with the State of New Hampshire in protecting important forests that are threatened with development through a cost-share partnership. Interagency collaboration between the US Forest Service and State Lead Agencies is

an important part of advancing national Forest Resource Coordinating Committee priorities. The acquisition will protect the area from development and retain the land in traditional forestry use for both community and environmental values.

As a requirement of the FLP, any recorded or unrecorded encumbrances, including but not limited to agreements, leases and licenses, and any other factors that affect the quality of title must be submitted to the Forest Service for review prior to the appraisal. Quality of title must be reviewed by the State and the Forest Service in determining program eligibility and prior to initiating the appraisal process.

4. SCOPE OF WORK: The State will seek to protect the tract or tracts of the project that is a key element in the FLP land protection strategy. The project includes 4 tract/s that encompass 4,881 acres in Coos County. The transfer of lands or interests in lands to the State of New Hampshire will occur by June 30, 2027.

5. METHODOLOGY:

- a. The State of New Hampshire will use funds under this grant award for
 - 1) The acquisition of lands or interests in lands within the State, title to which will be held in the name of the State of New Hampshire. Said lands or interests in lands shall be administered by the FLP eligible entity or their assigns;
 - 2) Real estate transaction costs for projects and donations, including but not limited to Yellow Book contract and review appraisals, land survey, closing costs (document preparation and recording fees), baseline information establishment, title opinion, title insurance, conservation easement negotiation and drafting as identified in the FLP Implementation Guidelines (2017).
- b. The State of New Hampshire will ensure that in acquiring the lands or interests in lands that the FLP Implementation Guidelines (2017) and the conditions of the Grant Award Letter Attachment C: Forest Legacy Program Award Provisions are followed, as well as specific New Hampshire FLP requirements.

6. TIMETABLE:

The specific tasks of this project are tentatively scheduled to occur as follows, and appropriate documentation provided to the Forest Service:

Item to be completed	Tentative date of completion
1) Title research is completed on the subject property: Title evidence may be documented as a Title Insurance Commitment, an Abstract of Title, or a Title Opinion/Certificate of Title provided by a State or private title attorney.	12/2023
2) Complete pre-appraisal due diligence review: a. In consultation with the Forest Service, examine the title of the property or property interest to be acquired and ensure there are no encumbrances or exceptions that would be inconsistent with FLP purposes. b. If mineral rights are severed, determine if this poses a threat of surface disturbance, and if so, whether these outstanding rights must be acquired or whether the likelihood of mineral development is so remote as to be negligible.	6/2024

- c. Negotiate the conservation easement terms with the landowner and any other relevant parties (if applicable). Prepare draft conservation easement for use by the assigned appraiser.
 - d. Provide the legal description of the property to be acquired or protected and identify the basis of the stated acreage.
- 3) An appraisal is completed in compliance with Federal appraisal standards and the following conditions: 7/2024
 - a. Appraiser and Review Appraiser who meet the qualifications outlined in the FLP Implementation Guidelines (2017) are identified;
 - b. The Review Appraiser will partner with the State (and possibly NGO) to prepare project specific appraisal instructions;
 - c. Appraisal review assures conformance with Federal appraisal standards;
- 4) Provide documentation to the landowner stating the following: 1/2025
 - a. the market value as determined by an independent appraisal completed in compliance with Uniform Appraisal Standards for Federal Land Acquisitions
 - b. that the sale of the property or property interest is voluntary;
 - c. that the property or property interest will not be purchased if amicable negotiations do not result in an agreed upon price;
- 5) Survey in compliance with acquiring entity standards completed (if applicable) 8/2024
- 6) Multi-Resource Management Plan complete and approved by the State Forester or designee 3/2027
- 7) Baseline documentation completed for conservation easements 3/2027
- 8) Closing – Payment to Landowner and recording of conservation easement or deed 6/2027
- 9) State publicly acknowledges the USDA Forest Service Forest Legacy Program as a source of funds for the project(s) 6/2027
- 10) Monitoring plan for conservation easements is completed and approved by the State 6/2027
- 11) Update Forest Legacy Information system with the closing figures 8/2027

7. ACCOMPLISHMENT AND REPORTING:

- a. Upon completion of this Forest Legacy project, the State of New Hampshire agrees 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).
- b. The State of New Hampshire agrees to provide a monitoring plan that shows how the State or its assigns will 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 FLP Implementation Guidelines (2017). Federal FLP funds cannot fund monitoring, management, or enforcement activities.

8. BUDGET INFORMATION:

Acquisition of lands or interests in lands

Tract Name(s)	Area (acres)	Total Value of Rights to be Acquired	Non Federal Cost Share	Forest Legacy Grant Request
Pine Mountain	1,614	\$400,000.00		\$400,000.00
Mascot Mine	1,071	\$400,000.00		\$400,000.00
Cascade Mountain	1,166	\$600,000.00		\$600,000.00
Bald Cap	1,030	\$510,000.00	\$510,000.00	\$0.00
TOTAL	4,881	\$1,910,000.00	\$510,000.00	\$1,400,000.00

Acquisition Activities related to this grant	Non Federal Cost Share	Forest Legacy Grant Request
Survey	\$32,000.00	\$108,000.00
Title	\$0.00	\$15,000.00
Appraisal	\$0.00	\$35,000.00
Baseline Information	\$0.00	\$25,000.00
Forest Stewardship Plan	\$20,000.00	\$72,000.00
Env. Haz. Ass.		\$10,000.00
SELECT ACTIVITY		
SELECT ACTIVITY		
SELECT ACTIVITY		
SELECT ACTIVITY		
SELECT ACTIVITY		
TOTAL	\$52,000.00	\$265,000.00

**FEDERAL FINANCIAL ASSISTANCE
AWARD OF DOMESTIC GRANT 22-DG-11094200-109
Between The
NATURAL AND CULTURAL RESOURCES, NEW HAMPSHIRE DEPARTMENT OF
And The
USDA, FOREST SERVICE
EASTERN REGION STATE AND PRIVATE FORESTRY**

Project Title: FOREST LEGACY ACQUISITION ANDROSCOGGIN VALLEY CORRIDOR

Upon execution of this document, an award to Natural and Cultural Resources, New Hampshire Department of, hereinafter referred to as "NH DNCR," in the amount of **\$1,665,000**, is made under the authority of Cooperative Forestry Assistance Act of 1978, P.L. 95-313 as amended, 16 U.S.C. 2103c. The Federal Assistance Listing (formerly Catalog of Federal Domestic Assistance - CFDA) number and name are 10.676, Forest Legacy Program. NH DNCR accepts this award for the purpose described in the application narrative. Your application for Federal financial assistance, dated June 8, 2022, 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 provide match in the amount of \$562,000, as shown in the attached application, financial plan and narrative.

All required reports and official correspondence must be sent to SM.FS.R9SPFgrants@usda.gov and assigned Forest Service Program Manager for internal record keeping and processing.

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 SM.FS.R9SPFgrants@usda.gov.

The following administrative provisions apply to this award:

- A. **LEGAL AUTHORITY**. NH DNCR 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.



Caring for the Land and Serving People

Printed on Recycled Paper



Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Name: Tracey Boisvert Address: 172 Pembroke Road City, State, Zip: Concord, NH 03301 Telephone: 603-271-2214 Email: tracey.l.boisvert@dnrcr.nh.gov	Name: Leslie Sherman Address: 172 Pembroke Road City, State, Zip: Concord, NH 03301 Telephone: 603-271-2214 Email: leslie.a.sherman@dnrcr.nh.gov

Principal Forest Service Contacts:

Forest Service Program Manager Contact	Forest Service Administrative Contact
Name: Kirston Buczak Telephone: 414-297-3609 Email: kirston.buczak@usda.gov	Name: Sandra Krzewinski Telephone: 262-202-3831 Email: sandra.krzewinski@usda.gov

- C. **SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM).** NH DNCR 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). Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.

- D. **ADVANCE AND REIMBURSEMENT PAYMENTS – FINANCIAL ASSISTANCE.** Advance or/and Reimbursement 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. To expedite payment, please attach a list of expenses that match the approved project budget when submitting each SF-270.

The invoice must be sent by one of three methods:	Send a copy to:
EMAIL (preferred): <u>SM.FS.asc_ga@usda.gov</u>	Kirston Buczak at <u>kirston.buczak@usda.gov</u>
FAX: 877-687-4894	
POSTAL: Albuquerque Service Center Payments – Grants & Agreements 101B Sun Ave NE Albuquerque, NM 87109	

- E. **INDIRECT COST RATES.** The approved indirect cost rate at the time of execution is **13.17%** as shown in the NICRA provided by the Cooperator. **Indirect charges are not applied to this award per the proposal dated June 8, 2022.**

As new NICRAs are agreed to between NH DNCR and their cognizant audit agency, the revised provisional or final rate(s) are automatically incorporated into this award, as appropriate, and must specify (1) the agreed upon rates, (2) the bases to which the rates apply, (3) the fiscal year for which the rates apply, and (4) the items treated as direct costs. The award obligation will not increase as a result of indirect cost rate increases. Updates to NICRAs will not affect the total funds available for this award unless documented in a formally executed modification.

If the NICRA is for a provisional rate, NH DNCR shall be reimbursed at the established provisional rate(s), subject to appropriate adjustment when the final rate(s) for the fiscal year are established.

- F. **PRIOR WRITTEN APPROVAL.** NH DNCR shall obtain prior written approval pursuant to conditions set forth in 2 CFR 200.407.
- G. **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 90 days prior to implementation of the requested change. The Forest Service is not obligated to fund any changes not properly approved in advance.
- H. **PERIOD OF PERFORMANCE.** This agreement is executed as of the date of the Forest Service signatory official signature. Pre-award costs are authorized as of 7/01/2022 pursuant to 2 CFR 200.458.

The end date, or expiration date is **6/30/2024**. This instrument may be extended by a properly executed modification. *See Modification Provision above.*

- I. **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.

9/9/22

PATRICK HACKELY, Director
Natural and Cultural Resources, New Hampshire
Department of, Forests and Lands.

Date

9/9/22

ROBERT LUECKEL, Deputy Regional Forester
Region 9, State & Private Forestry

Date

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

9/7/22

MIDORI C. RAYMORE
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 DNCR 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 DNCR 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 DNCR or any third party.
- C. NOTICES. Any notice given by the Forest Service or NH DNCR 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 DNCR, 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. Prior approval is required to issue subawards under this grant. The intent to subaward must be identified in the approved budget and scope of work and approved in the initial award or through subsequent modifications. Approval of each individual subaward is not required, however the cooperator must document that each sub-recipient does NOT have active exclusions in the System for Award Management (sam.gov).

The Cooperator must also ensure that they have evaluated each subrecipient's risk in accordance with 2 CFR 200.332 (b).

Any subrecipient under this award must be notified 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 200.331 through .333.

All subawards \$30,000 or more must be reported at fsrs.gov in compliance with 2 CFR 170. See Attachment B for full text.

- E. 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 31. The final SF-425 (and SF-425A, if applicable) must be submitted either with the final payment request or no later than 120 days from the expiration date of the award. These forms may be found at <https://www.grants.gov/web/grants/forms.html>.

- F. 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 DNCR shall submit annual performance reports. These reports are due 90 days after the reporting period ending December 31. The final performance report shall be submitted either with NH DNCR's final payment request, or separately, but not later than 120 days from the expiration date of the award.

- Additional pertinent information: All required reports and official correspondence shall be sent to SM.FS.R9SPFgrants@usda.gov email inbox for processing and record keeping.

- G. NOTIFICATION. NH DNCR 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.
- H. CHANGES IN KEY PERSONNEL. Any revision to key personnel identified in this award requires notification of the Forest Service Program Manager by email or letter.
- I. USE OF FOREST SERVICE INSIGNIA. In order for NH DNCR 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 DNCR when permission is granted.
- J. FUNDING EQUIPMENT. Federal funding under this award is not available for reimbursement of NH DNCR's purchase of equipment. Equipment is defined as having a fair market value of \$5,000 or more per unit and a useful life of over one year. Supplies are those items that are not equipment.
- K. PUBLIC NOTICES. It is Forest Service's policy to inform the public as fully as possible of its programs and activities. NH DNCR is encouraged to give public notice of the receipt of this award and, from time to time, to announce progress and accomplishments.

NH DNCR may call on Forest Service's Office of Communication for advice regarding public notices. NH DNCR 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.

- L. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS, AND ELECTRONIC MEDIA. NH DNCR 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.
- M. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. NH DNCR 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 (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, and American Sign Language) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at <https://www.ocio.usda.gov/document/ad-3027>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410; or*
- (2) Fax: (833) 256-1665 or (202) 690-7442; or*
- (3) Email: program.intake@usda.gov.*

If the material is too small to permit the full Non-Discrimination Statement to be included, the material will, at a minimum, include the alternative statement:
"This institution is an equal opportunity provider."

N. PROGRAM INCOME – FINANCIAL ASSISTANCE.

1. NH DNCR shall apply the standards set forth in this Provision to account for program income earned under the award.
2. If any program income is generated as a result of this award, the income shall be applied using the deductive alternative as described in 2 CFR 200.307; the

deductive alternative is the default if no other method is selected.

3. Unless the terms and conditions of the award/agreement provide otherwise, Recipients shall have no obligation to the U.S. Government regarding program income earned after the end of the project period.
4. Costs incident to the generation of program income may be deducted from gross income to determine net program income, provided these costs have not been charged to the award and they comply with 2 CFR 200.307.
5. Unless the terms and conditions of the award provide otherwise, NH DNCR shall have no obligation to the U.S. Government with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions produced under an award. However, Patent and Trademark Amendments (35 U.S.C. 18) apply to inventions made under an experimental, developmental, or research awards.

O. DISPUTES.

1. Any dispute under this award shall be decided by the Signatory Official. The Signatory Official shall furnish NH DNCR a written copy of the decision.
2. Decisions of the Signatory Official shall be final unless, within 30 days of receipt of the decision of the Signatory Official, NH DNCR appeal(s) the decision to the Forest Service's Director, State & Private Forestry (SPF). Any appeal made under this provision shall be in writing and addressed to the Director, SPF, USDA, Forest Service, Washington, DC 20024. A copy of the appeal shall be concurrently furnished to the Signatory Official.
3. In order to facilitate review on the record by the Director, SPF, NH DNCR 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, SPF is final.
5. The final decision by the Director, SPF does not preclude NH DNCR from pursuing remedies available under the law.

- P. AWARD CLOSEOUT. NH DNCR must submit, no later than 120 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 DNCR must be immediately refunded to the Forest Service, including any interest earned in accordance with 2 CFR 200.344(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.

- Q. TERMINATION. This award may be terminated, in whole or part pursuant to 2 CFR 200.340.
- R. DEBARMENT AND SUSPENSION. NH DNCR 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 DNCR 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.

- S. 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.
- T. 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).

U. DRUG-FREE WORKPLACE.

1. NH DNCR 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 DNCR 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 DNCR 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 DNCR agree(s) that it will establish an ongoing drug-free awareness program to inform employees 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 DNCR 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 DNCR learns of the conviction.
5. Within 30 calendar days of learning about an employee's conviction, NH DNCR 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.

V. 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.

W. ELIGIBLE WORKERS. NH DNCR 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 U.S.C. 1324(a)). NH DNCR 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.

X. 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).

Y. 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 Cooperators, 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.

- Z. PROMOTING FREE SPEECH AND RELIGIOUS FREEDOM. As a recipient of USDA financial assistance, you will comply with the following:
1. Do not discriminate against applicants for sub-grants on the basis of their religious character.
 2. 7 Code of Federal Regulations (CFR) part 16.3(a), Rights of Religious Organizations.
 3. Statutory and National policy requirements, including those prohibiting discrimination and those described in Executive Order 13798 promoting free speech and religious freedom, 2 CFR 200.300.

- AA. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT. The cooperator (including subrecipients) is responsible for compliance with the prohibition on certain telecommunications and video surveillance services or equipment identified in 2 CFR 200.216. See Public Law 115-232, Section 889 for additional information.

In accordance with 2 CFR 200.216, the grantee (including subrecipients) is prohibited from obligating or expending loan or grant funds for covered telecommunications equipment or services to:

- (1) procure or obtain, extend or renew a contract to procure or obtain;
- (2) enter into a contract (or extend or renew a contract) to procure; or
- (3) obtain the equipment, services or systems.

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 equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).
2. *Where and when to report.*
 - i. The non-Federal entity or Federal agency 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 for non-Federal entities.*

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 Federal award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
 - 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 <https://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 non-Federal entity 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/excomp.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:

- i. Subawards, and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

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

1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
2. Non-Federal *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; and,
 - iv. A domestic or foreign for-profit organization
3. *Executive* means officers, managing partners, or any other employees in management positions.
4. *Subaward:*
 - i. This term means a legal instrument 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 2 CFR 200.331).
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. *Subrecipient* means a non-Federal entity or Federal agency 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.
6. *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)).

END OF ATTACHMENT B: 2 CFR PART 170

Attachment C: Forest Legacy Program Project Grant Award Provisions

The following information is to be inserted in a Forest Legacy Program project grant document and establishes the terms and conditions of a Forest Legacy project grant.

A. Background. The Cooperative Forestry Assistance Act of 1978, as amended, (16 USC 2103c et. seq.) provides authority for the U.S. Secretary of Agriculture to establish the Forest Legacy Program (FLP) to protect environmentally important forest areas that are threatened by conversion to nonforest uses. 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 FLP in the State, including the acquisition by the State of lands and interests in lands. Forest Legacy Program delivery is guided by the National FLP Implementation Guidelines (dated May 2017).

B. Support Program Goals. The State must ensure that all acquisitions conducted under an FLP grant meet 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. FLP grant funds must be used for the acquisition of eligible lands or interests in lands.
2. Funds may also be used for directly related real estate transaction costs incurred by or at the request of the State, including but not limited to: appraisals and appraisal review, land surveys, closing costs (document preparation and recording fees), establishing baseline information, title work, purchase of title insurance, conservation easement negotiations and drafting (travel and attorney fees), and other real estate transaction expenses for the project tracts.
3. FLP grant funds may be expended to develop a Multi-Resource Management Plan for the FLP project tract(s).
4. FLP grant funds may also be expended to facilitate donations of land, or interests in lands, to a qualified and willing donee for FLP purposes. The State may use FLP grant funds to pay for expenses directly related to the donation, including but not limited to, land surveys, conservation easement drafting, title work, and establishing baseline information.
5. Forest Legacy Program funds are prohibited from being used for: (1) management of acquired lands or interests in lands including, monitoring of conservation easements; (2) costs associated with setting up an endowment or stewardship fund; (3) enforcement actions and associated activities; or (4) payment for appraisals of donated property or interest when the donation represents the full and total value.

Attachment C: Forest Legacy Program Project Grant Award Provisions

6. In addition, Forest Legacy Program project funds are prohibited from being used for: (1) general expenses of the FLP; (2) indirect costs; and (3) other project costs outside the area of the project in the grant award except for qualified donations.

7. For advance payments, the grant recipient must notify the U.S. Department of Agriculture, Forest Service's FLP manager at least 60 days in advance of the acquisition closing date, and submit all necessary documentation for final review and concurrence. Advance payments must be approved by the Forest Service's FLP manager. The funds will not be made available to the State more than 30 days in advance of the acquisition closing date.

8. For third-party payments direct to a title company, the State must follow the following procedures in advance of the acquisition closing date:

- The State must formally request that payment be made to the title company on its behalf. This must be in writing and signed by the State Lead Agency signatory. An email request is not acceptable.
- The title company must be registered in SAM (System for Award Management) at www.sam.gov, and provide their Data Universal Numbering System (DUNS) and Employer Identification Number (EIN).
- The Forest Service will draft a modification to the FLP grant showing the title company as an alternate payee. The request letter from the State Lead Agency must be attached as documentation. Both the State and Forest Service will sign the modification.
- No sooner than 30 days before closing on the purchase, the State Lead Agency must submit an SF-270, or HHS-PMS payment request. The SF-270 must show the State as the award recipient in block 9 and the title company as the payee in block 10. The request for payment must be signed by the State.
- The State Lead Agency is responsible for all financial and program reporting, as well as any audit. There is no grantee/grantor relationship between the title company and the Forest Service.

D. Cost Share

1. FLP cost-share requirements limit Federal funding to 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. Endowment funds for conservation easement stewardship or ongoing management of the property cannot be used as cost share.

3. If the State plans to use mitigation funds for cost share, the State must ensure that an official determination has been made that the funds can be treated as non-Federal or consult with the Forest Service to obtain a determination.

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4. Any donation of land, or interest in lands, used for cost share for an FLP 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 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 a Forest Legacy Area.
- iii. The donor documents their desire that the 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) must be a unit of government or a nonprofit 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, the easement must include a provision that will reimburse or make whole the United States for its proportionate share of the value of the Easement or the portion thereof that is extinguished. The United States' "proportionate share" is determined by dividing the portion of the value of the Easement that, at the time of its conveyance, was used to meet the cost-share requirement by the value of this Easement at the time of its conveyance.
- vii. If the donation is in the form of a fee simple tract, the deed must include a provision to reimburse or make whole the United States for its proportionate share of the value of the fee simple tract or the portion thereof that is disposed. The United States' "proportionate share" is determined by dividing the portion of the value of this fee simple tract that, at the time of its conveyance, was used to meet the cost-share requirement by the value of the entire fee simple tract at the time of its conveyance.
- viii. The respective portion of the donation must not have been previously credited towards any Federal program's non-Federal cost share.
- ix. The State approves the donation as contributing to the cost share.
- x. For cost-share tracts, the State must determine the value of the donation. The State may use an existing appraisal, a new appraisal, or another documented analysis to determine value. Appraisals for cost-share tracts do not need comply with Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA or Yellow Book) and do not need to be reviewed.

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xi. All cost share must be incurred during the life of the grant, including acquisition of cost-share tracts, unless pre-award costs are approved by the appropriate Forest Service line officer.

E. Approval of Project Changes. The State must submit, in writing, any significant changes to the project configuration as described in the approved grant narrative. Before submitting proposed changes to the Forest Service for approval, the changes must be reviewed by the State Forest Stewardship Coordinating Committee. Such changes include, but are not limited to: type/degree/extent of public access, proposed reserved rights by landowners, acreage, and conservation values of the property.

F. Program Requirements. The State shall ensure that all land(s) or interests in land(s) acquired under an FLP grant, meet the following requirements:

1. Are located within or partially 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 Multi-Resource Management Plan will be prepared and approved by the landowner and approved by the State forester or designee. 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 forester or designee.
3. For tracts acquired in fee, a Multi-Resource Management Plan must be created for the tract or the tract must be incorporated into an existing management plan for surrounding conservation lands. A natural resource professional shall prepare the Multi-Resource Management Plans and shall include provisions to meet the purposes of the FLP. Such plans identify the management objectives of the property and describe actions to protect and manage soil, water, range, aesthetic quality, recreation, timber, fish and wildlife resources, and other conservation values identified on the tract. Approval shall be granted by the State forester or designee (if the State Lead Agency is other than the State Forestry Agency, then the plan may be approved by the head of that Agency) upon determination that the plan meets the FLP Multi-Resource Management Plan requirements.
4. Ensure that the title is free and unencumbered and/or that title insurance is secured in the name of the State for the full value of the encumbered property. Identify any existing easements, covenants, or long-term contracts, recorded or unrecorded, or any rights that may be held by a third party. These agreements/encumbrances could be (or could include) recorded or unrecorded. Any encumbrance to the title must be deemed by the State as not affecting the purpose for which the land or interests in land is being acquired. Title insurance is not an alternative to free and unencumbered title.
5. Evaluate any preexisting severed mineral reservations or leases and make a determination as to whether the acquisition of mineral rights, prohibition on reserved

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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.

6. 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.

7. 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.

8. Ensure that the State or its assignee will monitor the lands annually for conformance with the terms of the conservation easement.

9. The State Lead Agency shall monitor fee simple and cost-share tracts periodically, including those owned and managed by other governmental entities within the State (such as other State agencies or local governments), and submit a self-certifying statement to the Forest Service regions/Northeastern Area/International Institute of Tropical Forestry (R/A/I) as part of the State FLP Program Review every 5 years. Similarly, for fee simple cost-share tracts held by a qualifying nonprofit conservation organization, the State Lead Agency shall acquire from the fee interest holder a self-certifying statement and submit it to the R/A/I as part of the State FLP Program Review every 5 years.

10. 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 where the project is located and who meets the qualifications specified in the Forest Legacy Program Implementation Guidelines;

ii. Be reviewed by a qualified review appraiser who meets the qualifications specified in the Forest Legacy Program Implementation Guidelines;

iii. The appraiser and review appraiser will engage in an initial consultation before the project appraisal takes place;

iv. The review appraiser will develop project-specific appraisal instructions for the appraiser as a result of this consultation;

v. The effective date of value must reflect current market conditions;

vi. The review appraiser attests to Federal Appraisal Standard conformance; and

vii. The State may be asked to consult with a qualified USDA Forest Service review appraiser prior to or during the appraisal process even if a non-Federal review appraiser is used for the assignment.

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G. Acquisitions Requirements. 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:

1. Clearly state that the acquisition supports Forest Legacy Program goals and include a citation to the Forest Legacy Program's authorizing language.
2. Limit or prohibit the subdivision of the encumbered land. If allowed, the easement should specify the number, sizes, and locations of divisions, and ensure that the conservation easement will be rerecorded for all parcels at the time of subdivision.
3. Prohibit industrial or commercial uses inconsistent with maintaining forest cover and that could negatively impact the conservation values protected by the easement.
4. Limit or prohibit structures or other improvements that could impact the conservation values protected by the easement. When allowed, these uses (such as house, barn, remote recreation camps) should be in a designated improvement area and the easement language must identify the specific location and limit of the allowed activities.
5. Prohibit extensive surface disturbances including residential, commercial, and industrial development, and mining. Limited excavation of sand and gravel for onsite use for roads and landings may be allowed, and the conservation easement must clearly describe the extent and location.
6. Require the landowner to 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 noncompatible uses.
7. For each fee simple and conservation easement tract, require that all management activities be conducted in accordance with the approved Multi-Resource Management Plan, described above.
8. Limit or exclude nonforest uses that are inconsistent with maintaining a minimum of 75 percent forest cover. Up to 25 percent of the total Forest Legacy Program tract may be compatible nonforest land uses, including cultivated farmland, pasture, grassland, shrubland, open water, and nonforested wetlands. Tracts with greater than 25 percent compatible nonforest uses must have an approved Multi-Resource Management Plan that ensures reforestation/afforestation within 10 years of project completion, if silviculturally possible.
9. Ensure the conservation easement refers to the baseline documentation report.
10. Ensure the conservation easement provides the right to enter the property to conduct conservation easement monitoring.
11. Establish the roles of all parties involved in potential conservation easement violations and identify those responsible for addressing them.

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12. Include terms that limit additional easements, leases, or contracts that negatively impact the conservation purposes of the conservation easement and include language to ensure any subsequent easement or agreements must be approved in advance.

13. Include the required provisions for conservation easements (ecosystem service markets, transfer, amendment, and extinguishment) and deeds (ecosystem service markets as applicable, transfer, and disposal) as specified in the Forest Legacy Implementation Guidelines.

H. Project Conclusion. The State shall complete the following actions upon completion of the Forest Legacy Project:

1. As a condition of this grant, the State may be required to publicly acknowledge (through news articles, posting of Forest Legacy signs on the land, and/or inclusion in publications) the United States Department of Agriculture, Forest Service and specifically the Forest Legacy Program as the/a source of funding for the 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) shape file in accordance with FLP data standard, of the rights acquired to the Forest Service.
4. Comply with the FLP recordkeeping requirements as outlined in the Forest Legacy Program Implementation Guidelines.

I. Post-Grant Requirements. The State shall complete the following actions upon closing of the FLP grant:

1. The State or its assigns shall monitor and manage lands for conformance to Forest Legacy purposes and the conservation easement to which they are subject and in accordance with the Forest Legacy Program Implementation Guidelines. Monitoring shall occur periodically, but not less than annually.
2. In addition, the State or its assigns shall periodically monitor and manage fee simple and cost-share tracts for conformance to Forest Legacy purposes and in accordance with the Forest Legacy Program Implementation Guidelines.
3. 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.

Attachment C: Forest Legacy Program Project Grant Award Provisions

J. Signatures

9/9/22

Patrick Hackley, Director

Date

Natural and Cultural Resources, New Hampshire
Department of, Forests and Lands

9/9/22

Robert Lueckel, Deputy Regional Forester

Date

U.S. Forest Service, Region 9, State and Private Forestry

ATTACHMENT D: WHISTLEBLOWER NOTICE

Whistleblowers perform an important service to USDA and the public when they come forward with what they reasonably believe to be evidence of wrongdoing. They should never be subject to reprisal for doing so. Federal law protects federal employees as well as personal services contractors and employees of Federal contractors, subcontractors, grantees, and subgrantees against reprisal for whistleblowing. USDA bears the responsibility to ensure that nothing in a non-disclosure agreement which a contractor, subcontractor, grantee, or subgrantee requires their employees to sign should be interpreted as limiting their ability to provide information to the Office of Inspector General (OIG).

41 U.S.C. § 4712 requires the head of each executive agency to ensure that its contractors inform their workers in writing of the rights and remedies under the statute.

Accordingly, it is illegal for a personal services contractor or an employee of a Federal contractor, subcontractor, grantee, or subgrantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. In this context, these categories of individuals are whistleblowers who disclose information that the individual reasonably believes is evidence of one of the following:

- Gross mismanagement of a Federal contract or grant;
- A gross waste of Federal funds;
- An abuse of authority relating to a Federal contract or grant;
- A substantial and specific danger to public health or safety; or
- A violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

To be protected under 41 U.S.C. § 4712, the disclosure must be made to one of the following:

- A Member of Congress, or a representative of a committee of Congress;
- The OIG;
- The Government Accountability Office (GAO);
- A Federal employee responsible for contract or grant oversight or management at USDA;
- An otherwise authorized official at USDA or other law enforcement agency;
- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

Under 41 U.S.C. § 4712, personal services contractors as well as employees of contractors, subcontractors, grantees, or subgrantees may file a complaint with OIG, who will investigate the matter unless they determine that the complaint is frivolous, fails to allege a violation of the prohibition against whistleblower reprisal, or has been addressed in another proceeding. OIG's investigation is then presented to the head of the executive agency who evaluates the facts of the investigation and can order the contractor, subcontractor, grantee, or subgrantee

to take remedial action, such as reinstatement or back pay.

Federal Acquisition Regulation (FAR) Subpart 3.903, *Whistleblower Protections for Contractor Employees, Policy*, prohibits government contractors from retaliating against a contract worker for making a protected disclosure related to the contract. FAR Subpart 3.909-1 prohibits the Government from using funds for a contract with an entity that requires its employees or subcontractors to sign internal confidentiality statements prohibiting or restricting disclosures of fraud, waste, or abuse to designated persons. This prohibition does not contravene agreements pertaining to classified information. The regulation also requires contracting officers to insert FAR clause 52.203-17, *Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights*, in all solicitations and contracts that exceed the Simplified Acquisition Threshold as defined in FAR Subpart 3.908. This clause requires notification to contractor employees that they are subject to the whistleblower rights and remedies referenced in 41 U.S.C. § 4712.

In order to make a complaint alleging any of the violations mentioned above, one should complete the OIG Hotline form located at: <https://www.usda.gov/oig/hotline>. For additional information, they may also visit the WPC's webpage at: <https://www.usda.gov/oig/wpc> or they may directly contact the WPC at OIGWPC@oig.usda.gov.