SECTION IV. IMPLEMENTATION OF RECOMMENDED PRACTICES

Practices to implement specific recommendations of a Forest Management Plan.

In establishing procedures, guidelines and practice specifications, MFS seeks to:

- Help provide financial assistance for a range of activities that help meet the landowner's goals
- Ensure the involvement of a Stewardship Forester
- Encourage adequate planning, supervision, and monitoring for site-specific activities
- Promote the development of appropriate silvicultural prescriptions
- Allow for practice flexibility
- Provide specifications and guidelines to help meet the purposes of each practice
- Foster working relationships between landowners, private foresters, USDA NRCS Field Office staff and MFS District Foresters

Starting in 2008, cost-share assistance for these activities will be primarily provided from the Environmental Quality Incentives Program (EQIP), and other programs administered by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). Maine Forest Service (MFS) has signed a Contribution Agreement with NRCS that identifies MFS as a Technical Service Provider (TSP). Stewardship Foresters who have received appropriate training from MFS will be authorized to provide technical assistance to participating landowners under the MFS "umbrella". MFS District Foresters will review, monitor and inspect Project Design, Installation and Check-out as appropriate to ensure that the practices are carried out according to NRCS conservation practice standards and specifications.

MFS District Foresters will review Forest Management Plans, Project Design Plans, field practices, and associated documentation, at a level of involvement necessary to ensure effective implementation of appropriate practices.

Procedures:

The following procedures are for conservation practices eligible for financial assistance.

1. Applications –

   a. Landowners applying for financial assistance to implement practices must have a Forest Management Plan (FMP) which is still current (i.e. the original planning period has not expired), and which recommends the practice. The FMP must contain enough information to locate the practice area on the landowner's property and to justify the benefit(s) of applying the practice. The FMP does not have to have been previously approved for cost-share, as long as it does supply the necessary information. MFS will collaborate with NRCS to review FMPs to determine adequate information to support application for the practice.

   Landowners may check with MFS or NRCS field offices to determine initial eligibility, which may include general program requirements and local availability of eligible practices and/or funding. Check the current Maine EQIP Program web site for more information and individual county lists of eligible practices, funding priorities and payment rates.
   http://www.me.nrcs.usda.gov/programs/2009EQIPApplicationInfo.html

   Final determination of landowner eligibility will be decided by NRCS. The Farm Services Agency (FSA) is responsible for landowner "set-up" in the USDA Service Center Information Management System (SCIMS). Set-up includes assigning an identifying number unique to the landowner and unique tract numbers to all the parcels they own.

   b. <u>Landowners may start the set-up and application process at any time.</u> Timelines for ranking of applications may vary according to availability of funds. A Conservation Plan must be prepared by a USDA Certified Conservation Planner before an application is ready to be ranked. Applications must be ranked by NRCS Field Office staff before final selection.

   c. NRCS and/or MFS Certified Conservation Planners will create a Conservation Plan in NRCS software known as "Toolkit". The Conservation Plan will draw on data supplied by the FMP. Additional data may be required to finalize the Conservation Plan. The Conservation Plan is a required step to assure compliance with Federal laws, including the National Environmental Protection Act (NEPA) and the National Historic Preservation Act, among others. It also serves as a record of decisions made by the landowner as to which conservation practices are to be implemented. <u>The landowner must agree to and sign the Conservation Plan before the application can be ranked and selected.</u>

2. Selection of Application

   NRCS Field Office staff will rank applications, based on EQIP national, state, and local environmental benefit-to-cost ratio. Upon selection, NRCS Field Office staff will write a Conservation Program Contract (CPC) with the Landowner. CPCs may be written for more than one year, at the discretion of NRCS and the landowner. This contract will specify a schedule of practices and payment rates. It may also include additional funds for Technical Services (TA) TA funds are reimbursement for contract items pertaining to Design, Installation and Checkout performed by a TSP. These 3 types of contract items can only be added to the contract in the year the practice is scheduled to be completed. Landowners and their Stewardship Foresters should be aware of this discrepancy and ascertain that the TA funds are in the contract before doing the work. **Any work performed prior to the modification and approval of the contract cannot be paid**. Payment rates for TSPs can be viewed at http://techreg.sc.egov.usda.gov/NTE/TSPNTE2/county.asp?st_cd=23&st_abr=ME&st_nm=Maine

3. Design, Installation, and Checkout of Conservation Practices

a. Pre-implementation Conference

Following the signing of the Conservation Program Contract (CPC), the landowner will choose a Stewardship Forester to provide technical assistance. If the forester is listed as a Technical Service Provider (TSP) on the NRCS Technical Registry (TechReg), then MFS will have no further involvement in implementing the practice. If the Landowner chooses a non-TechReg Stewardship Forester, then MFS will serve as the TSP. In this case, the Pre-implementation Conference should be attended by the Landowner, Stewardship Forester, MFS District Forester, and a representative of the NRCS Field Office. Other contractors and interested parties may attend as appropriate. The purpose of the Conference is to agree on the Design and Installation requirements of the Practice, as indicated in the Practice Statement of Work (SOW). The Practice SOW details what information is necessary to completely document the design, installation and checkout of the Practice. NRCS Field Office staff will provide the SOW. Practice Job Sheets are available as one option to satisfy the documentation requirements indicated in the SOW. Stewardship Foresters are generally responsible for the documentation. Job Sheets and SOW templates are available from NRCS Field Offices or on the NRCS website at http:/www.nrcs.usda.gov/technical/efotg. [Job Sheets and SOW for common forestry practices are included in Section V of this Manual.] **Local Field Office staff has flexibility to determine the form and format for the conference and documentation, as long as all parties are in agreement as to expected outcomes.** All parties (Landowner, Stewardship Forester, MFS District Forester and NRCS representative) must sign off on the final version of the SOW before work begins.

b. Performance period

1. The performance period for all practices will be determined by the terms of the CPC. A Practice must be started within 12 months of signing the CPC. CPCs may be written for a maximum of ten years; no activities may be scheduled for the last year of the contract.

2. Extensions may be granted for special extenuating circumstances up until the 9th year of a 10 yr contract. NRCS will make this determination when requested by landowner in writing.

3. During the performance period for practices where MFS is the TSP, MFS will monitor the activities of the Stewardship Forester, Landowner, and other contractors as needed to assure compliance with practice standards and specifications.

c. Technical certification of tasks and claim for payment

a. Upon completion of Design and/or Installation tasks, Landowner may request payment for each. The Stewardship Forester will fill out and sign the TSP Progress Report, upon satisfactory demonstration of task completion, including supporting documentation as indicated and agreed to in the SOW in 3a above. The District Forester will verify completion and sign the TSP Progress Report as well.

b. Upon completion of the Practice(s), Landowner shall notify the Stewardship Forester and the District Forester so that the Checkout task may be completed. Practice completion, in accordance with the Practice SOW, and attainment of program standards shall be verified in the field for all practices by the MFS District Forester. Checkout should include surveys, measurements and observations that document that the practice has been implemented according to the approved Design. The District Forester will sign a TSP Progress Report certifying the Checkout. Stewardship Foresters will provide supporting documentation (maps, tree counts, invoices, etc.) as requested by MFS or NRCS. **Local Field Offices have flexibility to determine the form and format of documentation.** *In all cases where MFS is the TSP, the District Forester will verify in the field all elements of the SOW.*

c. Extensions of time for partially completed practices may be granted for good cause by NRCS Field Office staff. NRCS may exercise a liquidated damages clause if contracts are not completed.

d. If Practices do not meet standards, the District Forester will inform the Landowner and Stewardship Forester in order to provide opportunity for correction.

e. Payments may be made for partially completed tasks at the discretion of NRCS with input from the MFS. Final determination of payment for partially completed practices will be made by NRCS.

f. The following documentation will be required in order to claim payment from NRCS:

1. A Contract Request for Payment Form (CPA-1245) signed by the Landowner.

2. TSP Progress Report and Certification Form signed by MFS District Forester as TSP.

3. SOW deliverables and copies of the actual bill or bills (with the original bill date) for services provided to the Landowner by the Stewardship

Forester, broken out by tasks (Design, Installation). Copies of contractors' bills or records of Landowner's time, equipment and material costs do NOT need to be submitted with the 1245 form. However, Landowners should keep these records for at least three years. NRCS or MFS staff may request documentation for audit purposes.

d. Utilization of Forest Products:

MFS and NRCS encourage practices that meet the goals of the program, the purposes of the practice, and landowner objectives. Implementation of some practices may generate income from the removal and sale of commercial forest products which exceeds the costs of planning and implementation of the practice. As long as Conservation Practice Standards and Specifications are certified to have been met, technical and financial assistance payments may be authorized.

e. Minimum/maximum extent of practice:

The size and extent (number of trees, acres, feet, etc.) of the practice is established in the CPC. There is no pre-determined minimum or maximum size or extent.