Partnership Guide

The Power of People Working Together
A living document

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National Forest Foundation
and the
USDA Forest Service, National Partnership Office

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Appendix H: Additional Legal References for Conduct and Ethics

This appendix provides more formal legal references for conduct and ethics practices in the Forest Service and USDA.

Working in an Official Capacity with Non-Federal Organizations (NFOs)

Conflicts of Interest/Impartiality

Forest Service Employees May:

- Serve in any non-fiduciary, non-employee position that is reasonably required to accomplish the agency mission such as a Forest Service liaison, technical advisor, committee chairman, or member. (If there are any conflict or interest or impartiality concerns they need to have been addressed or waived in advance.)

Forest Service Employees May Not:

- Participate as a fiduciary (officer, director, or trustee) or as an employee of the NFO unless specifically authorized by statute or a departmental waiver (18 USC 208.) Requests for Departmental Waivers must be submitted through the Mission Area Ethics Advisor in the Washington Office.
- Participate in any other official capacity if you already:
    - Serve in your *personal* capacity as a fiduciary or employee of that organization (see 18 USC 208); or
    - Participate actively in your personal capacity such as committee chair, fundraiser, or spokesperson (see 5 CFR 2635, Subpart E). (Note: This doesn't include simple membership.)

Internal Issues

Forest Service Employees May:

- Participate in discussions on issues related to Forest Service interests and the specific official purposes underlying your assignment.

Forest Service Employees May Not:

- Participate in internal non-federal organization issues such as budgets, fundraising, membership, by-laws, office space considerations, political action committees, or for-profit activities.

Lobbying/Representing before the Federal Government

Forest Service Employees May:

- Present NFO proposals and ideas that relate to your official duties with the organization to appropriate Forest Service and other federal officials for consideration.

- Provide Congress with official information requested with regard to matters under your official duties with the NFO, where it is appropriate for you to do so and through proper agency channels.

Forest Service Employees May Not:

- Represent the interests of the NFO before any federal employee, agency, or court in connection with a matter in which the United States is a party or has an interest IF the matter is not related to the official duties that you perform with them (18 USC 205).
- Seek or accept compensation from the NFO

or anyone else for services performed behind the scenes in connection with such an improper representation (18 USC 203).
- Perform services in support of grass roots efforts by the NFO to lobby Congress (18 USC 1913).

Compensation, Honoraria, and Gifts

Forest Service Employees May Not:

- Seek or accept compensation (including honoraria) from any non-federal party for official duties that you perform in connection with the non-federal organization (18 USC 209).
- Seek or accept anything of value from the NFO given for your personal benefit or for the personal benefit of anyone else unless permitted under 5 CFR 2635.204. (An NFO with which USDA partners is a prohibited source to USDA.[1]) Gifts given for the benefit of the agency are treated separately.
- Personally accept travel and subsistence costs provided by the NFO in connection with your official duties other than as permitted by law. 31 USC 1353 (travel costs paid by Non-Federal Sources); DR 5200-3 (Agency Gift Acceptance Directives), 5 USC 4111 (Training Act), or 5 USC 7342 (Foreign Gifts and Decorations Act).

Recognition/Endorsement of Non-Federal Partners

Forest Service Employees May:

- Officially promote employee official participation in the joint venture.
- Co-sponsor a non-fundraising "kick off" event.
- Erect a plaque or memorial honoring the NFO's contribution to the project. For example, the Forest Service could erect a small plaque by the trailhead stating "The Pinecone Trail was reconstructed with contributions donated by XYZ Equipment Company in partnership with the Forest Service."
- Issue a factual announcement publicizing successful completion of the project and the non-federal organizations role in that completion.

Forest Service Employees May Not:

- Officially encourage or require employees to become members of NFOs.
- Raise funds for or on behalf of the NFO, even if related to a joint venture;
- Erect a billboard or sign that serves more as an advertisement for the NFO than a memorial to a joint venture;
- Issue a statement aimed primarily at promoting the NFO's programs or products. For example, the Forest Service cannot recommend ABC Equipment Company for trail maintenance work based on its volunteer assistance in maintaining the Pinecone Trailhead.
- Otherwise endorse the products or services of the NFO (5 CFR 2635, subpart G). For example, Jane Firefighter may not appear in a TV commercial stating that she uses DEF drops whenever she's fighting fires and feels a cold coming on.

Prohibited sources include any person or entity:

- That seeks official action from USDA (e.g., a Special Use Permit applicant)
- That conducts or seeks to conduct business with USDA (e.g., a logging contractor)
- That conducts activities regulated by USDA (e.g., a slaughterhouse)
- That has interests that may be substantially affected by performance or nonperformance of the employee's official duties (e.g., a litigant with USDA)
- An organization a majority of whose members are prohibited sources (e.g. a trade association)

Appropriated Funds
The Agency May:

- Use appropriated funds to purchase an NFO membership for use by the agency. The agency then has the power to select whom it will assign to perform official duties under that membership.

Forest Service Employees May:

- Attend NFO meetings and provide information about what can be done with additional funds that may be raised through a partnership.
- Attend national conferences and meetings on official travel and time for professional development when it is part of the employee's official training plan.

Forest Service Employees May Not:

- Use appropriated funds to purchase or renew an NFO membership for a specific agency employee.
- Use appropriated funds to pay for official training accomplished through an NFO of which you may also be a member in your personal capacity.
- Utilize appropriated funds to accomplish, through NFO personnel, anything that Forest Service employees cannot be assigned to perform.

Fundraising/Fundraising Events
Forest Service Employees May:

- Attend an event in an official capacity only to the extent permitted by 5 CFR part 2635, including giving an official speech.
- If the agency approves of the content and your status as the appropriate speaker, deliver an appropriate official speech on a subject appropriate to the event. As a speaker, the employee's name may appear on the invitation but not their title. Neither the employee nor the Forest Service may be shown as a sponsor or shown in a manner that implies endorsement.
- Permit use of agency properties and sites for fundraising events only in accordance with departmental directives.

Forest Service Employees May Not:

- Participate in planning a fundraiser by or on behalf of the NFO.
- Directly or indirectly solicit or receive donations for or on behalf of the NFO.
- Make a donation of appropriated funds to the NFO as part of a fundraising effort.
- Actively participate in any fundraising event through such actions as standing in a receiving line, serving drinks, sitting at the head table, or making a speech soliciting funds.

Working in a Personal Capacity with Non-Federal Organizations

Forest Service Employees May: (amongst other lawful activities and in conformity with conflict of interest laws):

- Serve in any lawful position or role with the NFO, subject to the conflict of interest laws.
- Participate in all internal matters relating to the NFO.
- Participate, in a personal capacity, in lobbying efforts by the NFO before Congress.
- Accept compensation from the NFO, subject to USDA regulations concerning prior agency approval of outside employment (See 5 CFR Part 8301).
- Participate in all aspects of fundraising subject to the limitations mentioned above.

Forest Service Employees May Not:

- Participate officially, without waiver or agency approval, in any matter involving the NFO if you are a fiduciary of, employee of, or an active participant in the NFO (other than simply as a member);
- Represent the NFO, by personal appearance or communication, before any federal agency

or court concerning any matter in which the United States has an interest, or accept or seek compensation from anyone for services that you render in support of representations made by another before a federal agency or court on behalf of the NFO.

- Use your official title, position, or authority in support of fundraising activities by the NFO, or solicit or accept donations from persons whom you have reason to know are (1) prohibited sources to USDA, or (2) your official subordinates.

Appendix I: Highlights from the USDA Directive on Acceptance of Gifts

This appendix provides excerpts from the USDA Directive that address authorized gifts, prohibited gifts, solicitation of gifts, and additional considerations. For the entire text of the USDA Directive on Acceptance of Gifts, see http://www.ocio.usda.gov/directives/files/dr/DR5200-003.htm.

Authorized Gifts

A gift is a donation of something of value to the Forest Service in which nothing of value is paid or given to the donor in return. Where consistent with the Department's gift acceptance regulations, the Forest Service may accept contributions from individuals, organizations, foundations, corporations, associations, and other entities. Donations may be in the form of cash, securities, real property (land and improvements), facilities, personal property, and services.

For gifts of personal property, including cash, the Chief of the Forest Service or the Chief's designee may accept unconditional gifts. Conditional gifts of personal property may only be accepted by the Department's Chief Financial Officer, or that official's designee. Gifts of real property to the Forest Service may be accepted in accordance with procedures established in the Forest Service Manual (FSM 5420).

Prohibited Gifts

Consistent with federal laws and regulations restricting government conduct that is unethical, a conflict of interest, or having the appearance of a conflict of interest, the Department's gift acceptance policy contains restrictions on acceptance of gifts in situations that would raise ethical or conflict of interest concerns.

With certain exceptions, no gift may be accepted by the Forest Service from the following sources:

a. any person who conducts activities regulated by the Department or any of its agencies;
b. any organization where a majority of its members are persons who conduct activities regulated by the Department or its agencies;
c. any person or organization engaged in litigation with the Department or its agencies, or with the United States, based on issues relating to the programs or operations of the Department or its agencies; and
d. any person whose ability to participate in Department programs has been suspended or terminated for cause by the Department or its agencies.

If not prohibited under Section 6(b), a gift may be accepted by the Forest Service unless the gift is from any person who is engaged with the Forest Service, or the Department's Natural Resources and Environment mission area, as a contractor or contract bidder, borrower, grantee, cooperator, lessee, permittee, or other program participant, or who is an applicant for a loan, grant, lease, or other program participation from the Forest Service.

For details on prohibited gifts, refer to Section 6, DR 5200-3.

Exceptions to Prohibited Gifts

Under Section 6c(1), gifts from sources identified under Sections 6a and 6b of DR 5200-3 may be accepted if:

a. The gift is commemorative in nature, from other than a for-profit entity, and intended to be used or displayed in an office setting;
b. The gift is from a state, local, tribal, or foreign government incidental to cooperation in carrying out a federal program;
c. The gift is authorized by the express purpose of a statutory gift acceptance authority; or
d. Acceptance of the gift is in the public interest because the benefits relating to acceptance of the gift substantially outweigh the appearance of loss of impartiality on the part of the Department, or the Forest Service, in its dealing with the donor.

For gifts accepted under the exceptions in Section

6c(1), additional restrictions apply:

a. For gifts under Section 6(c)(1)(a)-(c), the Chief, the UnderSecretary, or the Secretary may accept such gifts. For gifts greater than $1,000,000, acceptance of such gifts may occur only after consultation with the Office of the General Counsel. For gifts in an amount less than $1,000,000, the Chief of the Forest Service may delegate this gift acceptance authority to appropriate subordinate officials as agency needs and prudence allow.
b. For gifts accepted under Section 6c(1)(d), only the Chief of the Forest Service, the UnderSecretary, or the Secretary may accept such gifts, and acceptance must be preceded by consultation with OGC.

Solicitation of Gifts

Under the Department's gift acceptance regulation, the Forest Service may solicit gifts that would not be prohibited by law. The Forest Service may not solicit gifts, however, from any source listed under Section 6, even if the gift would fall within an exception under Section 6.

There are significant restrictions on how solicitations may occur. The Forest Service may not solicit gifts through the use of direct mail appeals for monetary contributions, through direct fundraising events, through hiring of development officers, or through the conduct of any game of chance.

The department regulation also cautions agencies against soliciting multiple or duplicate gifts to create a substitute funding stream for routine operational expenses in lieu of agency appropriations.

Additional Considerations

Gift Acceptance Documentation

Gifts must be documented with a gift acceptance letter from the agency to the donor. Such letters should state that gifts in no way imply an endorsement of the gift or the donor, nor impose any obligation on the part of the agency to provide anything to the donor, including data or information. The acceptance letter should not provide any estimate of the gift's value, nor should agency officials otherwise provide the donor with an estimated value. Proper valuation of the gift for tax purposes is the donor's responsibility.

Reporting of Gifts

Agencies are required to file an annual report on all gifts having a value greater than $5000 during each calendar year with the Department's Office of Procurement and Property Management. The report must include details regarding the gift, including: date received; name and contact information of the donor; name of the accepting agency and official; name and description of the gift; estimated value of the gift; and the provision of the Department regulation under which the gift was accepted. In the alternative, agencies may simply submit copies of all gift acceptance letters to the Office of Procurement and Property Management

Appendix J: Liaison Agreement

FROM: Senior Official

TO: Subordinate Official

THROUGH:

SUBJECT: Appointment as Agency Liaison with _____ Association

By this memorandum, you are hereby designated to serve as Agency Liaison with the _____ Association (Association). Your designation as Agency Liaison is for the purpose(s) of _____.

During your service as Agency Liaison, you are, at all times, to act as a representative solely of the interests of the Agency and the United States; you shall not (1) serve as an officer, board member, or employee, or (2) act as agent or representative, of the Association. Your service as Agency Liaison is to conform to the requirements of 18 USC 201-209 and to the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. part 2635. Specifically, during your tenure as Agency Liaison with the Association, you shall not:

- Vote on matters before the Association Board of Directors;
- Serve on committees or task groups unrelated to the above-stated purpose for your service as Agency Liaison;
- Participate in issues related solely to the business or internal interests of the Association (e.g., finances, fundraising, membership, etc.);
- Engage in lobbying efforts or representation of the Association's interests before the Federal Government [NOTE: This does not preclude you from presenting to the Agency the positions or views of the Association on matters directly related to the interests of the Agency being served through your service as Agency Liaison];
- Actively participate in Association activities in your personal capacity unless you receive written clearance from me to do so [NOTE: If you are a member, you may retain your membership; you must, however, refrain from active participation (e.g., fundraising, holding office or board membership, employment, committee activities, lobbying, etc.)].

I, _____, certify that I have read and understand the foregoing and that I agree to abide by the aforementioned requirements and conditions.

_____ _____

Date Signature

Appendix A: Acronyms

APPL: Association of Partners for Public Lands

BIA: Bureau of Indian Affairs

BLM: Bureau of Land Management

CAP: Community Assistance Program

CCR: Central Contractor Registration

DOI: Department of the Interior

DOT: Department of Transportation

EIS: Environmental Impact Statement

EPA: Environmental Protection Agency

F&WS: Fish and Wildlife Service

FACA: Federal Advisory Committee Act

FAR: Federal Acquisition Regulations

FS: Forest Service

FSH: Forest Service Handbook

FSM: Forest Service Manual

FY: Fiscal Year

G&A: Grants and Agreements

GSA: General Service Administration

HUB Zone: Historically Underutilized Business Zone

ID: Interim Directive

IRS: Internal Revenue Service

MAP: Matching Awards Program

MOU: Memorandum of Understanding

NACO: National Association of Counties

NCSSF: National Commission on Science for Sustainable Forestry

NEPA: National Environmental Policy Act

NFF: National Forest Foundation

NFPA: National Fire Protection Association

NFS: National Forest System

NGO: Non-governmental organization

NPS: National Park Service

NUCFAC: National Urban and Community Forestry Advisory Council

NWCOS: Northwest Colorado Stewardship group

OMB: Office of Management and Budget

PBCI: Poarch Band Creek Indians

PL: Public Law

RAC: Resource Advisory Committee

RCD: Resource Conservation District

RC&D: Resource, Conservation, and Development Council

RMP: Resource Management Plan

RO: Regional Office. The Forest Service has nine Regions, each one often referred to as an RO.

S&PF: The State and Private Forestry branch of the Forest Service.

SBA: Small Business Administration

SO: Supervisors Office. Each National Forest or Grassland has an office referred to as the Supervisors Office.

USC: United States Code

USDA: United States Department of Agriculture

WO: Washington Office – the national headquarters for the National Forest System.

WSC: Wilderness Stewardship Challenge

WUI Fire Program: National Wildland/Urban Interface Fire Program

Appendix B: Glossary of Terms

Authority: The Forest Service must have appropriate authority derived from legislation prior to entering into any grant, cooperative agreement, or other agreement, which could result in the use, obligation, or other commitment of any Forest Service resources.

Building capacity: Increasing the knowledge, skills, or ability to accomplish work by acquiring or sharing resources (such as equipment or materials), funding, or people through their knowledge, skills, and expertise.

Certification: The process of ensuring Grants and Agreements Specialists meet knowledge, training, and competency based requirements.

Collaboration: A process where groups that disagree, often significantly, come together to identify common interests, define common problems, and seek solutions that reach beyond what any one of them could accomplish on their own. A collaborative relationship may be documented through formalized paperwork, but often it is not.

Collection Agreement: An agreement used to accept money, equipment, property, or products by the Forest Service from a non-federal party to carry out a purpose authorized by law. These agreements may involve both trust fund collections (advances) and reimbursements.

Co-location: The sharing of buildings and facilities with other federal agencies or partners.

Co-application: When a federal agency applies for grants with non-federal organizations.

Conditional gift: A gift made for a specific purpose or with conditions on its use.

Conflict of interest (or appearance of conflict of interest): Any action taken by a Forest Service employee on behalf of a partner that could be construed by another partner or the public as an entitlement to obtain special consideration or advantage in current or future transactions with the agency.

Contributed funds: A voluntary transfer of cash with consideration for a specific project as authorized under the Cooperative Funds Act of June 30, 1914 (16 USC 498) and the Granger- Thye Act of April 24, 1950 (16 USC572).

Contribution: To give something to a common purpose, to have a share in any act or effect, or to discharge a joint obligation. Contributions may take the form of money, materials, supplies, or labor. A contribution is *not* to be confused with a gift or a donation.

Cooperative Agreement: A legal instrument under Federal Assistance used by the Forest Service to document a transaction where the Forest Service is substantially involved with the project. (See Substantial Involvement.)

Cost-sharing agreements: Mutual benefit arrangements in which the Forest Service and partner(s) share mutual interests and benefit in the same qualitative way from the agreement. Cost-sharing agreements include Participating Agreements, Challenge Cost Share Agreements, and Research Joint Venture Agreements.

Deliverable: Product, service, or property that is a requirement of a contract or agreement.

Direct cost: Expenses that can be specifically attributed to the delivery of a Forest Service program or a program's output and accomplishments. Direct costs include, but are not limited to, personnel costs; material, supplies, and equipment costs; and other costs such as office space, computer equipment, and utilities.

Donation: Cash voluntarily provided to the Forest Service when such transfer is made without any consideration. (See Gift.)

Federal Financial Assistance: A relationship between a federal agency and a non-federal recipient where the purpose is the transfer of money, property, services, or anything of value to the recipient for public benefit, is referred to as "federal financial assistance." Assistance includes, but is not limited to grants, loans, loan guarantees, scholarships, mortgage loans, insurance, and other types of financial assistance, including cooperative agreements and technical assistance. A grant or cooperative agreement is the legal instrument used to document a financial assistance transaction.

Fiduciary role: A legal duty where one is bound to act in another's best interest, such as a board officer acting in the interest of the organization the officer serves, or a trustee acting on behalf of a beneficiary.

Force account work: Work accomplished by permanent or temporary Forest Service personnel.

Forest Plan: A plan developed for each National Forest describing in general terms the locations and guidelines under which certain types of uses or projects can take place.

Forest Service funding: Funds appropriated to the Forest Service, or received by the Forest Service.

Friends association: A nonprofit group organized outside of the Forest Service.

Gift: A voluntary, gratuitous transfer of property. It can include any gratuity, favor, discount, entertainment, hospitality, loan, cash, security, land, facility, personal property, forbearance, or other item having monetary value. It includes services such as transportation, local travel, lodging, and meals, whether provided in-kind, such as the purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

Grant: A legal instrument under Federal Assistance used by the Forest Service to document a transaction where the Forest Service is not substantially involved with the project. (See Substantial Involvement.)

Grants and Agreements (G&A) Specialists: A Forest Service employee certified to have the responsibility to award, administer, and close-out grants, Cooperative Agreements, and other agreements.

Indirect costs: Joint or common expenses that are necessary for the operation of the Forest Service, but not specifically identifiable with or traceable to a specific program or output. Often referred to as "overhead," indirect costs are incurred as part of general management and administrative support of an organization, and can include office and personnel expenses, computers, and utilities.

In-kind contributions: Contributions made to the total cost of a project where the contributor incurs no cash expense. In-kind contributions may be valued at what it would have cost if the contributor had paid for the item or service itself.

Instrument: A document or formalized arrangement used to accomplish a specific type of work and define rights, duties, entitlements, and/or liabilities. Examples include grants, permits, Memoranda of Understanding, Challenge Cost Share Agreements, Cooperative Agreements, and other agreements.

Interested party/prohibited source: An entity or individual who is or seeks to be engaged in a contractual, financial, or business relationship with the Forest Service, and who has a legally recognized private interest that may be substantially affected by the proposed activity. Interested parties include Forest Service permittees, vendors, bidders and potential bidders on Forest Service Timber sales, licensees, and organizations engaging in activities regulated by the Forest Service. This concept applies to gifts of real or personal property and donated funds.

Interpretive associations: Nonprofit, tax-exempt corporations that develop and publish cooperative environmental education and forest history materials to support the agency's interpretive and educational programs and provide high quality service to its visitors.

Liaison: Official liaisons are official Forest Service representatives assigned to non-federal organizations by appropriate agency officials when there is a significant and continuing Forest Service interest in participating in the given non-federal organization.

Line officer: Forest Service employees with the authority to make project decisions. Forest Supervisors and District Rangers are line officers.

Marginal burden rate: The indirect cost charged when the Forest Service provides services for another party, including other agencies and partners, through "reimbursable" type agreements. The marginal rate is applied to projects in which the work provided by the agency is not considered normal and recurring, or not part of a unit's typical annual program of work. (See National Burden Rate.)

Matching contributions: The value of third party in-kind contributions plus that portion of the allowable costs of recipients not provided by the federal government.

Memorandum of Understanding (MOU): A written plan between the Forest Service and other parties for carrying out their separate activities in a coordinated and mutually beneficial manner. It is used when there will not be an exchange of funding or resources but there is a need to formally document the relationship.

Micro-purchasing: Any procurement less than $2,500.

Mutual benefit: Mutual benefit exists when both the government and the partner benefit in the same qualitative way from the objectives of the agreement.

Mutual interest: Interests common to both parties that relate to the accomplishment of their respective missions.

National burden rate: The method used by the Forest Service to calculate and collect indirect costs incurred when the agency provides services for another party, including other agencies and partners, that are normal or recurring for the agency.

Non-cash contribution: A non-monetary contribution toward the completion of a project.

Official capacity: A federal employee is participating officially in an activity or organization if assigned by a superior, working on official time, travel costs are covered, using a government vehicle, in official uniform, on federal premises, or invited to participate as a result of one's official position.

Open-ended agreements: In all cost-sharing arrangements (Participating Agreements, Challenge Cost Share Agreements, and Research Joint Venture Agreements), open-ended agreements can cover long-term projects (but not more than five years) for which the Forest Service has funding available for only the first year (or other period).

Other agreements: Forest Service instruments which are not considered federal assistance relationships within the coverage of the Federal Grants and Cooperative Agreements Act of 1978 (31 USC 6301-6308). This includes the following agreement types: Participating, Challenge Cost Share, Joint Venture, Cooperative Research and Development, and Cost-Reimbursable.

Partner (Cooperator): An individual or entity that voluntarily cooperates with the Forest Service on a project and is willing to formalize the relationship by entering into a Memorandum of Understanding or other agreement such as Challenge Cost Share, Collection,

Interagency, Participating, Research Joint Venture, Cooperative Research and Development, or Research Cost-Reimbursable Agreements.

Partnership: A voluntary, mutually beneficial arrangement entered into for the purpose of accomplishing mutually agreed upon objective(s). Specific legislative authority must exist to form partnerships where the parties anticipate exchanging funds, property, or other items having value.

Procurement (also procurement transaction): A written legal contract between the Forest Service and a non-federal entity that documents the purchase or lease of property or services by the Forest Service for its direct benefit or use.

Prohibited sources: Individuals, organizations, or businesses with litigation pending with the agency; seeking to obtain a contract, lease, or other business from the agency; conducting operations regulated by the agency; having interests that may be substantially affected by performance or non-performance of an employee's official duties; or that have been suspended or terminated from participating in USDA programs or its agencies.

Public benefit: Activities that accomplish a public purpose.

Recipient: An organization receiving Federal Financial Assistance directly from the Forest Service to carry out a project or program.

Reimbursable agreements: Agreements between parties where the performing entity agrees to provide the resources and perform services on behalf of the paying entity. The paying entity pays for the resources and services provided on its behalf by the performing entity. Costs are borne initially by the performing entity, and subsequently those costs are forwarded to the paying entity for reimbursement, in accordance with the terms of the agreement.

Signatory official: A Forest Service employee with written authority to execute and be the responsible party for grants, cooperative agreements, and other agreements for programs under their jurisdiction.

Sole source determination: A determination made by a contracting officer that no other organization has the capacity and qualifications to provide the good or service in question except the specific organization identified.

Solicitation: A specific, written document or oral request for money.

Substantial involvement: The Forest Service is substantially involved in a project when the agency reviews and approves one stage of work before the next stage can begin, reviews and approves proposed subgrants and contracts, is involved in the selection of key recipient personnel, and/or directs or redirects the work because of interrelationships with other projects.

Technical assistance: Non-financial assistance provided by an employee to a recipient or partner, such as sharing information and expertise. This does not include the transfer of funding.

Unconditional gift: A gift made with no conditions on its use. It can be used for any authorized purpose by the Forest Service.

Volunteer: A person who gives time and talent to advance the mission of the Forest Service and who receives no salary or wages from the Forest Service for the voluntary service. A sponsored volunteer is supervised by another institution or organization or by a unit of state or local government.

Appendix C: Contacts and Partner Websites

National Forest Foundation Contacts

To contact the National Forest Foundation, visit http://www.natlforests.org/contact_us.html.

Forest Service Contacts

For links to the following Forest Service contacts, visit the Partnership Resource Center – http://www.partnershipresourcecenter.org/contact_us.php.

- Cooperative Fire Protection Program Contacts
- Interpretive Association Coordinators
- Partnership Coordinators and National Partnership Office
- Tribal Coordinators
- Volunteer Coordinators

For Grants and Agreements Specialists, visit the Forest Service's Acquisition Management website – http://www.fs.fed.us/business/.

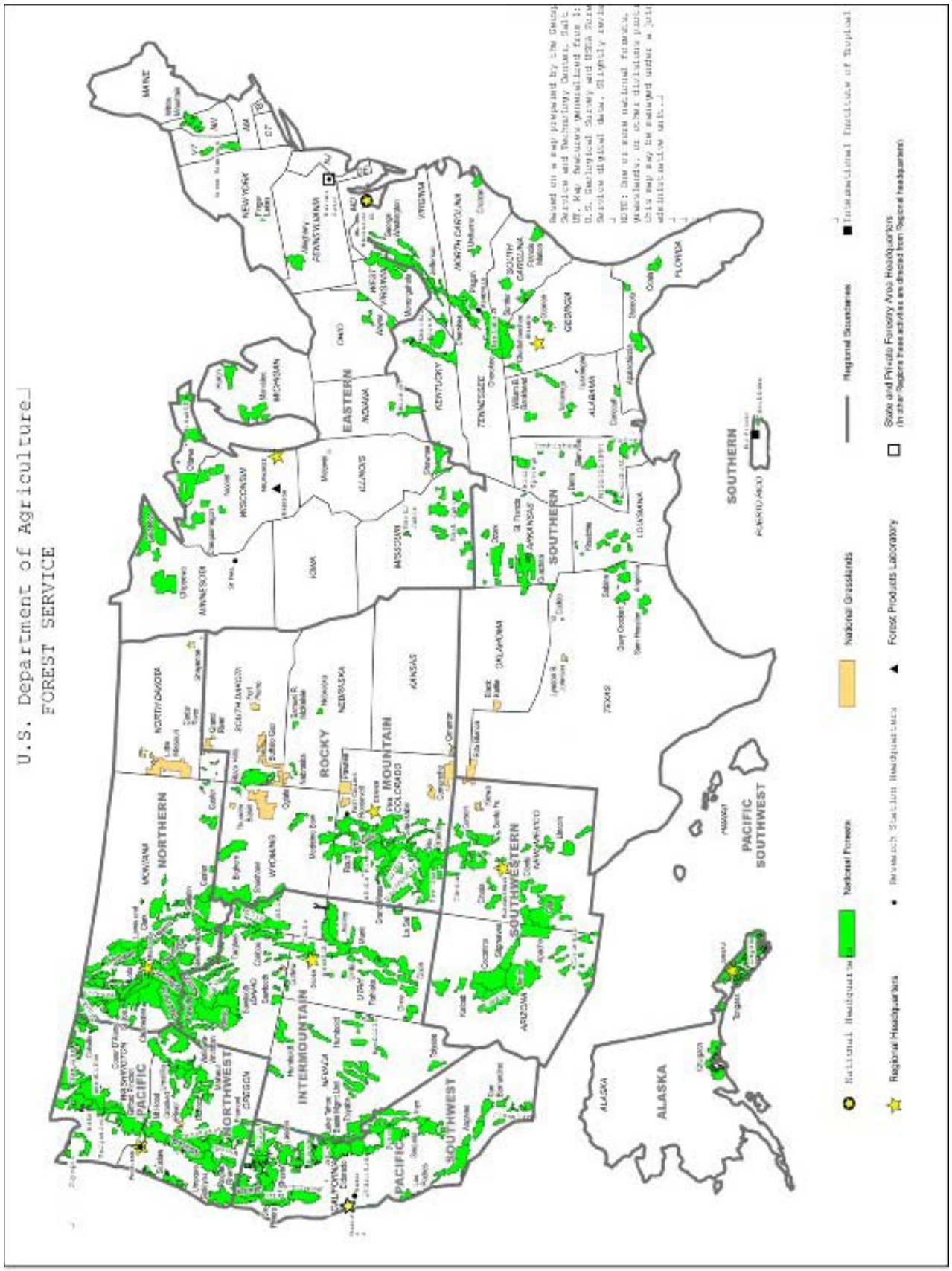
Federal Agencies Partnership Websites

National Park Service – http://www.nps.gov/partnerships/
U.S. Army Corps of Engineers – http://corpslakes.usace.army.mil/partners/partners.html
U.S. Department of Interior – http://www.doi.gov/partnerships/
U.S. Environmental Protection Agency –http://www.epa.gov/epahome/partnerships.htm
U.S. Fish and Wildlife Service – http://partnerships.fws.gov/
U.S. Geological Survey – http://www.usgs.gov/partnerships.html

Other Partners

An extensive list of partner websites is available on the Partnership Resource Center website – http://www.partnershipresourcecenter.org/find/alpha.php

Appendix D: Forest Service Regions



Appendix E: State and Private Forestry Programs

Note: Appendix A – Glossary of Terms – defines acronyms used in this table.

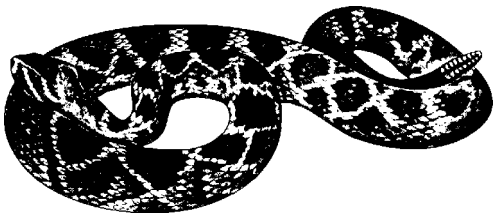
Administrative Unit	Program	Goals	Partners	Links
Cooperative Forestry	Economi c Action Programs	Facilitate and foster sustainable community development, including healthy communities, sustainable ecosystems, and diverse economies	RC&Ds, NACOs, state foresters, tribes, Economic development organizations, NGOs, other federal agencies, local businesses and community leaders	http://www.fs.fed.us/spf/coop/programs/eap/index.shtml
	Economic Recovery	Provide technical and financial assistance to build capacity and diversify the economies of natural resource dependent rural communities located in or near National Forests	National Forests, local action teams adjacent to National Forests	http://www.fs.fed.us/spf/coop/programs/eap/rca.shtml
	Rural Development	Facilitate and stimulate economic potential of local economies historically dependent on forest resources	RC&Ds, NACOs, state foresters, Economic development organizations, NGOs, other federal agencies, local businesses and community leaders	http://www.fs.fed.us/spf/coop/programs/eap/rca.shtml
	Forest Products Conservation & Recycling	Technical and marketing assistance to improve processing and use of forest products waste, residues and low-valued timber	States, universities, forest industries	http://www.fs.fed.us/spf/coop/programs/eap/eap_products.shtml http://www.fpl.fs.fed.us/fpcr_dir.html
	Forest Products Lab - Technology Marketing Unit	Provide a broad scope of expertise in wood products, utilization and marketing, technology transfer, and technical assistance.		http://www.fpl.fs.fed.us/ http://www.fpl.fs.fed.us/tmu

Administrative Unit	Program	Goals	Partners	Links
	Wood in Transportation	Financial and technical assistance for demonstration and commercialization of wood-based technologies for transportation	RC&Ds, state DOTs, universities, FS Research Stations	http://www.fs.fed.us/na/wit
	Institute of Hardwood Technology Transfer and Applied	Provides technical and financial assistance to customers in the eastern hardwood region to address economic, environmental, technological, and social challenges by providing state of the art access to information resources.	Products Lab	
	Landowner Assistance Programs		Private landowner groups, state forestry agencies, private forestry consultants, tribes	http://www.fs.fed.us/spf/coop/programs/loa/index.shtml
	Forestry Stewardship Program	Enable private forest landowners to create forest management plans to meet personal forest management goals while providing environmental, economic and social public benefits	State Stewardship Committees, state foresters, tribes, conservation districts	http://www.fs.fed.us/spf/coop/programs/loa/fsp.shtml
	Forest Legacy	To protect environmentally important private forests across the nation and promote the sustainable forest management of those working lands to provide benefits to people and society	State Stewardship Committees, conservancies, land trusts	http://www.fs.fed.us/spf/coop/programs/loa/flp.shtml

Administrative Unit	Program	Goals	Partners	Links
	Forestland Enhancement Program	Provide educational, technical, and financial assistance to help private forest landowners implement their sustainable forestry management objectives	State Stewardship Committees	http://www.fs.fed.us/spf/coop/programs/loa/flep.shtml
	Reforestation, Nurseries and Genetic Resources	Provide seedlings for reforestation, technical assistance to landowners, establish genetically superior strains, transfer technology to states		http://www.rngr.net/
Fire and Aviation Management		Protect life, property, and natural resources on the 192 million acres of NFS lands and an additional 20 million acres of adjacent state and private lands	State and territorial foresters, DOI, BIA, F&WS, NPS	http://www.fs.fed.us/fire/
	Wildland Fire Management	(Includes Preparedness and Operations)		http://www.fs.fed.us/fire/partners
	Preparedness	Coordinate activities associated with planning, prevention, detection, information and education, pre-incident training, equipment and supply purchase		http://smokeybear.com http://firewise.org
	Operations	Coordinate activities associated with suppression of wildland fires, hazardous fuel reduction and burned area emergency rehabilitation		http://www.fs.fed.us/fire/

Administrative Unit	Program	Goals	Partners	Links
	Cooperative Fire Protection	Provide financial and technical support to states to promote efficient wildland fire protection by providing equipment, training and technical assistance to local volunteer fire agencies.		http://www.fs.fed.us/fire/
	Federal Excess Personal Property	Re-use excess federal property for use in rural and wildland fire fighting		http://www.fs.fed.us/fire/partners/fepp
Forest Health Protection		Protect and improve the health of America's forests	State foresters; other federal, state and local agencies and state departments of agriculture; National Forests; tribes; universities and research communities	http://www.fs.fed.us/foresthealth/
	Forest Health Monitoring	Monitor the forests of the U.S. to determine improvements or detrimental changes to forest health that occur over time. Report annually concerning such monitoring.	State foresters, FS Forest Inventory and Analysis	http://fhm.fs.fed.us/
	Forest Health Management	Evaluate forest insect and disease situations. Direct and implement measures to prevent, retard, or suppress unwanted, native and invasive forest insects, pathogens, and plants affecting trees and forests.	State foresters, other federal agencies, National Forests, state Departments of Agriculture, tribes, universities and research communities	http://www.fs.fed.us/foresthealth/forest_health_management.shtml

Administrative Unit	Program	Goals	Partners	Links
	Technology Development	Develop and apply cutting-edge technologies, such as Geographic Information Systems, Insect and Pathogen Modeling, Aerial Photography, and Data Visualization	State foresters, other federal agencies, National Forests, state Departments of Agriculture, FS Research, universities and research communities	
	Technical Assistance	Provide technical information and advice on the various techniques available to maintain healthy forests	State foresters, other federal agencies, National Forests, state departments of agriculture, tribes	http://www.fs.fed.us/foresthealth/pesticide/index.shtml
	Pesticide Management and Coordination	Provide technical information and advice in managing and coordinating the use of pesticides, report uses on NFS lands, and conduct human health and ecological risk assessments	State foresters, other federal agencies, National Forests, state departments of agriculture, tribes	http://www.fs.fed.us/foresthealth/pesticide/index.shtml
Urban and Community Forestry		Provide technical and financial assistance to help improve the quality of life in towns, communities, and cities by improving the stewardship of urban natural resources	State foresters, RC&Ds, Economic development organizations, state and local governments, other federal agencies, tribes, local business and community leaders	http://www.fs.fed.us/ucf/



Administrative Unit	Program	Goals	Partners	Links
	National Urban and Community Forestry Advisory Council (NUCFAC)	Provides advice on urban and community forestry to the Secretary of Agriculture. Council members are drawn from all levels of government, citizen action groups, industry and trade associations, educational institutions, and nonprofit organizations. NUCFAC tasks include: develop a national urban and community forestry action plan; evaluate implementation of the plan; and develop criteria and make recommendations for an urban and community forestry challenge cost-share program.	Any non-federal nonprofit or for-profit organization or agency, tribes	http://www.treelink.org/nucfac
	Green Infrastructure	Provides training through a partnership with the Forest Service, F&WS and The Conservation Fund using a strategic approach to conservation that addresses the ecological, social and economic impacts of sprawl and the accelerated consumption and fragmentation of open land.	State foresters, RC&Ds, Economic development organizations, state and local governments, other federal agencies, tribes, local business and community leaders	http://www.greeninfrastructure.net/

Administrative Unit	Program	Goals	Partners	Links
	Technology Transfer	Provides innovative technology and resources to improve the condition of urban ecosystems, watershed and wildlife habitat.	State foresters, RC&Ds, Economic development organizations, state and local governments, other federal agencies, tribes, local business and community leaders	http://www.fs.fed.us/ucf/program_overview.htm
Conservation Education		Connect people to the land by providing them with the tools they need to take informed actions related to sustaining natural and cultural resources	Connect people to the land by providing them with the tools they need to take informed actions related to sustaining natural and cultural resources	http://na.fs.fed.us/spfo/ce/index.cfm
Office of Tribal Relations		Implement Forest Service tribal relations policies and continue to build long-term, collaborative working partnerships with Indian tribes	Indian tribe, band, nation, pueblo, community or other organized group (including Alaska Natives) within the U.S. that the Secretary of the Interior has identified on the most current list of tribes maintained by the BIA	http://www.fs.fed.us/spf/tribalrelations/
Sustainable Resource Management		Coordinates the Forest Service's leadership responsibilities for sustainable forest and resource management through extensive multi-stakeholder collaboration and integrated actions with federal and external partners	Federal, state, and local governments; tribes; non-governmental organizations; businesses. International and domestic	http://www.fs.fed.us/sustained/msie4.html

Administrative Unit	Program	Goals	Partners	Links
Other National Programs	Community-based watershed restoration partnerships	Utilize partnerships to restore large-scale watersheds at 16 sites across the U.S.	Conservation districts, water quality councils, nonprofit organizations, RC&Ds, tribes, county commissioners, private landowners, local communities, state forestry and environmental departments, other federal agencies	http://www.fs.fed.us/largewatershedprojects/
	National Agroforestry Center	Develop and disseminate agroforestry technologies and information	USDA Natural Resources Conservation Service	http://www.unl.edu/nac/
	Resource Conservation and Development	Work with local RC&Ds to deliver S&PF programs to enhance conservation of natural resources	Other USDA agencies, non-governmental organizations	http://www.rcdnet.org/

Appendix F: Statutory Authorities

The authorities described in Forest Service Manual (FSM) 1580.11 – 1580.16 are the most commonly used statutory authorities for government-wide, service-wide, and specific deputy area use (National Forest System, State and Private Forestry, Research and Development, and International Programs). The FSM is available online. (http://www.fs.fed.us/im/directives/)

1580.1 – Authority
The Forest Service must have appropriate statutory authority prior to entering into any grant, cooperative agreement, or other agreement which could result in the use, obligation, or other commitment of any Forest Service resources.

1580.11 – Government-wide Use

- **The Economy Act of June 30, 1932** (31 USC 1535, Public Law 97-258 and 98-216) – Section 601 of this Act authorizes one federal agency to requisition work, services, supplies, materials, or equipment from another federal agency (FSM 1585.12).
- **The Act of August 27, 1958** (23 USC 308(a), Public Law 85-767) – This Act authorizes the Federal Highway Administration to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways on behalf of other government agencies (FSM 1585.13).
- **Intergovernmental Cooperation Act of 1968**, as amended by the Intergovernmental Cooperation Act of September 13, 1982 (31 USC 6501-6508, Public Law 97-258) – Title III of this Act authorizes the Forest Service to provide special or technical services to states or subdivisions of states (FSM 1584.15).
- **Federal Technology Transfer Act of 1986** (15 USC 3710a, Public Law 96-480) – This Act authorizes the Forest Service to enter into cooperative research and development agreements for technological transfer for commercial purposes (FSM 1587.14).
- **Federal Grants and Cooperative Agreements Act of 1977,** as amended by the Using Procurement Contracts and Grant and Cooperative Agreements Act of September 13, 1982 (31 USC 6301-6308, Public Law 97-258) – Unless the relationship is otherwise specified by statute, this Act requires that federal agencies characterize the relationship between a federal and non-federal party as one of a procurement contract or of Federal Financial Assistance. The selection of a particular instrument, such as a procurement contract or an assistance instrument, to document the transaction is determined by this relationship. Consider specific laws, regulations, and the vesting of title to property in research activities (FSM 1580.6 and FSM 1582).
- **United States Information and Exchange Act** (22 USC 1451 and 1479, Public Law 97-241) – This Act authorizes the Forest Service to cooperate with foreign governments by providing at its request Forest Service employees with specific technical or professional qualifications (FSM 1584.16).

1580.12 – Service-wide Use

- **Cooperative Funds Act of June 30, 1914** (16 USC 498 as amended by Public Law 104-127) – This Act authorizes the Forest Service to accept money received as contributions toward cooperative work in forest investigations or protection, management, and improvement of the National Forest System (FSM 1584.11).
- **Granger-Thye Act of April 24, 1950** (16 USC 572) – Section 5 of this Act authorizes the Forest Service to perform work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: (a) on state, county, municipal, or private land within or near National Forest

land, or (b) for others who occupy or use National Forests or other lands administered by the Forest Service (FSM 1584.12).

- **Acceptance of Gifts Act of October 10, 1978** (7 USC 2269, Public Law 95-442) – This Act authorizes Forest Service acceptance of cash, as well as donations of real personal property (FSM 1584.13).
- **Cooperative Funds and Deposits Act of December 12, 1975** (16 USC 565a1-a3, Public Law 94-148) – This Act authorizes the Forest Service and partners to perform work from which they would accrue mutual non-monetary benefit (FSM 1587.11).
- **Interior and Related Agencies Appropriations Act of 1992** (Public Law 102-154, (Challenge Cost Share)) – This Act authorizes the Forest Service to cooperate with others in developing, planning, and implementing mutually beneficial projects that enhance Forest Service activities, where the partners provide matching funds or in-kind contributions. Partners may be public or private agencies, organizations, institutions, or individuals (FSM 1587.12). The Act also gives the agency the authority to provide non-monetary awards and to incur necessary expenses for the non-monetary recognition of individuals and organizations (FSM 6511.13e).
- **Title 7, United States Code, Section 2204a** – This section provides for the exchange of personnel and facilities in each field office of the Department of Agriculture to the extent necessary and desirable to achieve the most efficient use of personnel and facilities, and to provide the most effective assistance in the development of rural areas in accordance with state rural development plans (FSM 1585.11).
- **Federal Employees International Organization Service Act** (5 USC 3343 and 3581-3584, as amended) – This Act authorizes the Forest Service to send employees to an international organization which requests services for a period not to exceed 5 years.
- **National Agricultural Research, Extension, and Teaching Policy Act of 1977** (Public Law 95-113), as amended by the Food Security Act of 1985 (7 USC 3318, and 3319, Public Law 99-198) and further amended by Public Law 105-198 – This Act authorizes the Forest Service to:
    - Enter into joint venture agreements with any entity or individual to serve the mutual interest of the parties in agricultural research and teaching activities, whereby all parties contribute resources to accomplish those objectives (7 USC 3318(b)).
    - Enter into cost reimbursable agreements with state cooperative institutions or other colleges and universities without regard to any requirement for competition**,** for the acquisition of goods or services, including personal services, to carry out agricultural research or teaching activities of mutual interest (7 USC 3319(a), FSM 1587.13).
- **Youth Conservation Corps Act of 1970** (16 USC 1701-1706, 1723) as amended by the Title II, Public Land Corps Act of 1993 (Public Law 91-378) – This Act authorizes the Forest Service to utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects on public lands, Indian lands, and Hawaiian homelands. Conservation projects may be carried out on state, local, or private lands as part of disaster prevention or relief efforts in response to an emergency or major disaster declared by the President (FSM 1581.25(a)).
- **Volunteers in the National Forest Act of 1972,** as amended (16 USC 558a – 558d, Public Law 92-300) – The Secretary is authorized to recruit, train, and accept individuals as volunteers for or in aid of interpretive functions, visitor services, conservation measures and

development, or other activities in and related to areas administered by the Secretary through the Forest Service. The Secretary is authorized to provide for incidental expenses.

1580.13 – Research

- **Forest and Rangeland Renewable Resources Research Act of 1978,** as amended (16 USC 1641-1646, Public Law 95-307) – This Act authorizes implementation of a program of forest and rangeland renewable resources research, dissemination of the research findings, and the acceptance of gifts, donations, and bequests and the investing thereof (FSM 1581.11 and FSM 1584.14).

1580.14 – State and Private Forestry

- **Cooperative Forestry Assistance Act of 1978,** as amended (16 USC 2101-2114, Public Law 95-313) – This Act authorizes the Forest Service to work through and in cooperation with state foresters or equivalent agencies, and other countries in implementing technical programs affecting non-federal forest lands (FSM 1581.13).
- **National Forest Dependent Rural Communities Economic Diversification Act of 1990** (7 USC 6601 note, Public Law 101-624) – Title XXIII, Subtitle G, Rural Revitalization Through Forestry, authorizes Forest Service establishment and implementation of educational programs and technical assistance to businesses, industries, and policy makers to create jobs, raise incomes, and increase public revenues in ways that are consistent with environmental concerns (FSM 1581.15).
- **America the Beautiful** (16 USC 2101, Subtitle C, Public Law 101-624) – This law created the National Tree Trust, a nonprofit foundation, to promote public awareness and solicit private sector contributions to encourage tree planting projects. It allows the Forest Service to promote principles of basic forest stewardship and provide increased assistance to others to plant and maintain trees and improve forests in rural areas (FSM 1581.14).

1580.15 – International Programs

- **The International Forestry Cooperation Act of 1990** (16 USC 4501, Public Law 101-513, as amended) – This Act authorizes Forest Service cooperation and assistance with domestic and international organizations to further international programs which support global environmental stability, scientific exchange and educational opportunities, and technical and managerial expertise (FSM 1581.12).

1580.16 – National Forest System

- **Cooperative Law Enforcement Act of August 10, 1971** (16 USC 551a, Public Law 92-82) – This Act authorizes Forest Service cooperation with state or political subdivisions to enforce or supervise laws and ordinances of a state or political division on National Forest System lands (FSM 1582).
- **The Reciprocal Fire Act of May 27, 1955** (42 USC 1856a, Public Law 84-46) – This Act authorizes the Forest Service to enter into reciprocal agreements with any fire organization maintaining fire protection facilities in the vicinity of National Forest lands (FSM 1582).
- **National Forest Roads and Trails Act of October 13, 1964** (16 USC 532-538, Public Law 88-657) – This Act authorizes Forest Service financing and/or cooperation with other public agencies, private agencies, or individuals for acquisition, construction, and maintenance of forest development roads within or near National Forests (FSM 1582).
- **National Trails System Act** (16 USC 1246(h), Public Law 90-543) – This Act authorizes Forest Service cooperation with the states or their political subdivisions, landowners, private organizations, or individuals to operate,

develop, and maintain any portion of national trail system trails either inside or outside a federally administered area (FSM 1581.21).

- **Wild and Scenic Rivers Act** (16 USC 1271 et seq., Public Law 90-542) – This Act authorizes Forest Service cooperation with states or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources (FSM 1581.22).
- **Federal Noxious Weed Act of 1974** (Public Law 93-629, 7 USC 2801 et seq., Public Law 101-624) – Title XIV, Subtitle D: Other Conservation Measures, authorizes the Forest Service to issue cooperative agreements with state agencies (or political subdivisions responsible for the administration or implementation of state laws regarding undesirable plants) for establishment of undesirable-plant management programs and integrated management systems to control or contain undesirable plant species, and to issue specific cost-sharing cooperative agreements with state and local agencies to manage noxious weeds in an area if a majority of landowners in that area agree to participate in a noxious weed program (FSM 1581.23).
- **National and Community Service Act of 1990** (42 USC 12501, Public Law 101-610) – Subtitle C, National Service Trust Program, establishes the Corporation for National Community Service, which may enter into contracts or cooperative agreements with federal agencies to support a national service program carried out by the agency (FSM 1581.24). • .
- **Sikes Act of September 1, 1960** (16 USC 670g-6701, 670o, Public Law 86-797, as amended) – This Act authorizes the Forest Service to cooperate with state wildlife agencies in conservation and rehabilitation programs for fish, wildlife, and plants considered threatened or endangered (FSM 1581.26).

1587.15 – Wyden Amendment (Watershed Restoration and Enhancement Agreements)

In accordance with specific statutory authorities, this law allows the Forest Service to enter into cooperative agreements with willing federal, tribal, state, and local governments, private and nonprofit entities, and landowners. The purpose of these agreements is to protect, restore, and enhance fish and wildlife habitat, as well as other resources on public or private land that benefit those resources within the watershed. The benefits are to improve, maintain, or protect ecosystem conditions through collaborative administration and/or implementation of projects; improve collaborative efforts across all ownerships, not limited solely to adjacent Forest Service lands; and increase operational effectiveness and efficiency through coordination of efforts, services, and products.

Cooperative agreements used may include the types of instruments contemplated under this chapter (FSM 1587.03). In addition, Federal Financial Assistance instruments (grants or cooperative agreements) may be used when their use is appropriate (FSM 1581.03). The full authority is the Department of Interior and Related Agencies Appropriations Act, 1999, FSM 1587.15, FSH 1509.11, Chapter 60, Wyden Amendment, Section 323(A), as included in Public Law 105-277, Div. A, Section 101 (e) as amended by Public Law 107-63, Section 330.

Appendix G: Reading List

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