APPENDIX G- Forest Legacy Program Record Keeping

A. PROJECT

U.S. Forest Service

The following specifies what documents are required to be held in perpetuity for the Forest Legacy Program (FLP) at the federal level -- both hard copy and electronic copy -- for each closed tract. These documents are separated into two categories: (1) Mandatory documents that are mandatory for the Forest Service to obtain, and (2) Recommended documents that are good for the Forest Service to obtain, but existing guidance does not require the Forest Service to obtain. This document is consistent with the Forest Service’s Interim Directive 6209.11-2010-4 issued on October 19, 2010, which requires that all records pertaining to the use of Federal funds to acquire lands or interest in land under FLP must be filed under 3360. Once the grant has been finalized, the grant documents should merge with FLP documents to make the file complete. Table 1 indicates which documents are required or recommended for conservation easements, fee purchase, and donated fee tracts and easements. The federal program manager should require the State to send copies of documents 2-10 before closing out the grant.

Mandatory

1. Grant documents
   a. Application for Financial Assistance SF 424, SF 424c and SF 424d (SF 424a and SF 424b for older FLP project grants)
   b. Pre-award letter with all signatures
   c. Project narrative
   d. Final Performance Progress Report
   e. SF 425 Federal Financial Form, signed by authorizing official, as appropriate
   f. FS 6500-235, De-Obligation/Close-out Request Form
   g. All amendments, modifications and invoices
   h. Proof of cost share/match, including documentation of cost share (including value of cost share tract).

2. Copy of recorded acquired interest in land (whether CE or fee deed) with signatures, and book and page stamp from recording.

3. Final title insurance policy or letter from the State assuring title.

4. Minerals determination (if mineral rights are severed).

5. Cover and signature page(s) of the original Forest Stewardship Plan or Multi-Resource Management Plan or equivalent (Not required if Fee Purchase)


7. Amicable Agreement letter or documentation that the landowner has been notified of the appraised value and is knowledgeable that FLP is a voluntary program.

8. Cover and signature page(s) of Baseline Documentation. (Not required if Fee Purchase)

9. GIS shapefiles of the boundaries of the CE or fee acquisition (this file will be stored by the Forest Service, but it is also recommended to keep a copy in the electronic project file).
Recommended
10. Settlement/closing statement, including signatures, or other proof of payment, e.g. copy of check or Electronic Funds Transfer.
11. Maps of FLP tracts of CE or FEE acquisition and cost share tracts.
12. Documents of publicly crediting USFS as a source of funding for the project through a publicly available periodical, or photographic proof of the posting of a FLP sign.

Table I. Forest Service Mandatory and Recommended Documentation for FLP Projects

<table>
<thead>
<tr>
<th>Documents</th>
<th>Conservation Easements</th>
<th>Fee Purchase</th>
<th>Donated Fee Tracts/Easements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant Documents (1)</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Copy of Recorded Acquired Interest in Land (2)</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Final Title Insurance Policy or Assurance of Title (3)</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Minerals Determination (4)</td>
<td>x</td>
<td>x</td>
<td>**x</td>
</tr>
<tr>
<td>Management Plan signature page etc. (5)</td>
<td>x</td>
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<td></td>
</tr>
<tr>
<td>Appraisal Review Report (6)</td>
<td>x</td>
<td>x</td>
<td></td>
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<tr>
<td>Amicable Agreement Letter (7)</td>
<td>x</td>
<td>x</td>
<td>**x</td>
</tr>
<tr>
<td>Signature Page of Baseline Documentation, etc. (8)</td>
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<td>**x</td>
</tr>
<tr>
<td>GIS shapefiles of boundaries, etc. (9)</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Copy of Check or EFT Statement (10)</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Maps of Tracts, etc. (11)</td>
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<td>x</td>
<td>**x</td>
</tr>
<tr>
<td>Evidence of Publicly Crediting USFS (12)</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>

**Recommended

State
The following specifies what documents are required to be held in perpetuity at the State level -- both hard copy and electronic copy -- for each closed tract. These documents are separated into two categories: (1) Mandatory - documents that are mandatory for the State to obtain, and (2) Recommended - documents that are good for the State to obtain, but existing guidance does not require the State to obtain. All final documents should be held in perpetuity by the State in a safe location. See Table 2 below. B, G, & I not required if Fee Purchase.

Mandatory
A. Current landowner contact information (name, address, phone, email).
B. Original signed baseline document and all updates. (Not required if Fee Purchase)
C. Recorded acquired interest in land (whether CE or fee deed) with signatures and copy of deed for each subsequent landowner.
D. Final title insurance policy or letter from the State assuring title.
E. Final appraisal, with appraisal instructions, and appraisal review report indicating appraisal conformance to Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book).
F. Certification of appraiser and non-federal review appraiser, in accordance with Appendix H.
G. Current Forest Stewardship Plan or Multi-Resource Management Plan or equivalent (Not required if Fee Purchase)
H. Settlement/Closing statement, including signatures, or other proof of payment, e.g. copy of check or Electronic Funds Transfer.
I. Monitoring records/history. (Not required for Fee)
J. Amicable Agreement letter or documentation that the landowner has been notified of the appraised value and is knowledgeable that FLP is a voluntary program.
K. Proof of cost share/match, including documentation of cost share (including value of cost share tract).
L. For donated tracts, letter or other form of documentation of the landowner’s willingness to use property as cost share.

Recommended
M. Copies of any leases, covenants, or other restrictions on the use of the property.
N. Minerals determination (if mineral rights are severed).
O. Copy of Grant documents.
P. Environmental site inspection/assessment documentation including hazardous materials review.
Q. Documentation of location of transaction/negotiation summary and history
1. Landowner inspection consent agreement (Some States may not enter one)
2. Option agreement (Some States may not enter one)
3. Notification of county or local government (If required)
4. Maps of FLP tracts of CE or FEE acquisition and cost share tracts.

Table 2. Mandatory and Recommended Documentation for States

<table>
<thead>
<tr>
<th>Document</th>
<th>Conservation Easements</th>
<th>Fee Purchase</th>
<th>Donated Fee Tracts/Easements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current landowner info, etc. (A)</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Original and Current Baseline Documentation (B)</td>
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<td>x</td>
</tr>
<tr>
<td>Recorded Acquired Interest in Land, etc (C)</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Title Insurance Policy (D)</td>
<td>x</td>
<td></td>
<td></td>
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<tr>
<td>Final Appraisal, appraisal instructions, and Appraisal Review Report (E)</td>
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<td></td>
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<tr>
<td>Certification of appraiser qualifications (F)</td>
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<td>x</td>
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<tr>
<td>Current Forest Stewardship Plan or equivalent plan, etc. (G)</td>
<td>x</td>
<td>x</td>
<td></td>
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<tr>
<td>Settlement/Closing statement, etc. (H)</td>
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<tr>
<td>Monitoring Records (I)</td>
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<tr>
<td>Amicable Agreement Letter (J)</td>
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<td></td>
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<tr>
<td>Proof of value for all cost share match, etc. (K)</td>
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<tr>
<td>Landowners willingness to use property as cost share (L)</td>
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<td>Copies of leases, covenants, etc. &quot;(M)</td>
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<tr>
<td>Minerals determination (N)</td>
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<td>Grant documents required by the State &quot;(O)</td>
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<td>Environmental Site Inspection, etc. &quot;(P)</td>
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<td>x</td>
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<tr>
<td>Documentation of Location of transaction, etc. &quot;(Q)</td>
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<td>x</td>
<td></td>
</tr>
<tr>
<td>Landowner Inspection Consent Agreement &quot;(Q1)</td>
<td>x</td>
<td>x</td>
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</tr>
<tr>
<td>Option Agreement &quot;(Q2)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Notification of County, etc. &quot;(Q3)</td>
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<td>x</td>
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</tr>
<tr>
<td>Maps of Tracts, etc. &quot;(Q4)</td>
<td>x</td>
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</tr>
</tbody>
</table>

**Recommended

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B. PROGRAM

The following mandatory program documents are required to be held in perpetuity at the federal level — both hard copy and electronic copy. In addition, recommended documents, if kept, are required to be held in perpetuity. These records should be filed under 3360. See table 3 below.

Federal

Mandatory

1. Annual State monitoring report summary for all State CEs. (Not required if Fee Purchase)
2. State and regional program reviews
3. Quality Assurance Inspections and QAI follow-up reports

Recommended

5. Tract monitoring plan or copy of established State policy for monitoring CEs (Not required if Fee Purchase)
6. Statement of Assurance identifying the State’s safe location for FLP records.
7. Program applicable State policies, including enforcement policy, monitoring policy, and record keeping policies.

State

Mandatory
1. Annual State monitoring report summary for all State CEs. (Not required if Fee Purchase)
2. State program reviews
3. Quality Assurance Inspections and QAI follow-up reports
4. State forest action plans, including Assessment of Needs incorporated by reference.
5. Program applicable State policies, including enforcement policy, monitoring policy, and record keeping policies.

Recommended
These items are recommended for States to consider adding to their records to assist with succession planning and continuity of the FLP in their State.
1. Document the State's policy on FLP, which may include but not limited to, FLP promotions and annual solicitation for new FLP projects, and outreach efforts
2. Action plans from Program Reviews and QAI's and
3. Documentation of Stewardship meetings

To ensure the documents are in a “safe location” and will be held in perpetuity, we recommend that States follow the industry standards as described in 9G of the Land Trust Standards and Practices found at www.landtrustaccreditation.org. These standards include:
- Keep originals and copies of all documents in separate locations;
- Protect original documents from daily use and from fire, floods, and other foreseeable hazards; and
- For any electronically stored documents, develop systems to ensure the data is updated periodically so the documents can be accessed using current technology.