

# Understanding Good Neighbor Authority:

**Case Studies from Across the West**

**RVCC**  
Rural Voices for  
Conservation  
COALITION

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## **ABOUT RVCC**

The Rural Voices for Conservation Coalition (RVCC) promotes healthy landscapes and vibrant rural communities throughout the American West. Our mission is to develop an engaged and diverse network of community leaders who advance policy solutions that align public and private land stewardship with community benefit.

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# EXECUTIVE SUMMARY

The Good Neighbor Authority (GNA) is intended to expand limited federal capacity to implement and plan forest, rangeland, and watershed restoration projects by facilitating partnerships with state agencies. The authority allows a state to perform authorized restoration services on federal land. Additionally, the authority allows a state agency to administer timber sales on federal land, and for a federal agency to use the value of wood products to purchase restoration services, including planning, from state agencies.

As part of the Rural Voices for Conservation Coalition's investment in accelerating learning and innovation across communities and landscapes, we reviewed the current status of GNA use in six Western states to clarify how it is being used, and inform other states and National Forests about approaches that may be appropriate for their local conditions. This report shares current policy and guidance on GNA and highlights early efforts in six Western states using GNA. Common themes and important implications are listed below.

## FINDINGS

- Federal and state agency staff embraced a vision of cross boundary cooperation, and viewed GNA as one of many pathways to develop interagency relationships.
- Successful use of GNA required strong partnerships between state and federal agencies.
- Project activities varied, but most projects were focused on vegetation management.
- States learned from each other, decreasing the time required to start using the new authority.
- Most states entered into projects with completed NEPA analysis.
- Most states required up-front funding to start projects using GNA.
- Some states anticipated the possibility of "self-sustaining" programs that use the value of timber to pay for future sale administration, contract planning, and restoration work. State and federal partners also developed agreement structures that can accommodate ongoing programs of work beyond a single project.
- The role of collaboration with non-agency partners is not mandated by statute and remains uncertain. All states reported informing collaboratives of GNA projects to some extent.
- Interviewees, including federal employees, reported some resistance to utilizing the new authority among federal agency staff.

## IMPLICATIONS

- It remains to be seen if GNA projects are additive to baseline accomplishments and outputs, with some interviewees stating that GNA will help federal agencies meet rising timber volume and restoration targets.
- Use of GNA in each state context is still evolving and may necessarily look different across various states and ecosystems.
- State agency staff capacity cannot increase immediately. State agencies seem to need certainty in the availability of work in order to hire new staff to accomplish GNA projects.

- The role of forest collaboratives in GNA projects will be determined on a voluntary basis by individual states, as there is no requirement to collaborate in the statute. None of the states we examined have formalized a process for collaborative engagement.
- Although interim federal directives state that use of program income must be determined up front in the agreement, in practice state and federal agencies refined how they use program income over time and how partners provided input on these decisions.
- Agreements can last ten years at most, which poses a problem for the long term use of program income and the development of sustained state involvement.
- GNA is still a relatively new tool and will continue to evolve as different states find creative ways to make use of it in local contexts



# INTRODUCTION

Collaborative, community-based approaches to public land management have become increasingly common over the last twenty years, as have partnerships between state and federal agencies. As the number of supporting policies, programs, and authorities that enable collaborative approaches and partnerships has grown, the Rural Voices for Conservation Coalition (RVCC) has found that agency managers and partners often struggle to navigate this increasing complexity, leading to confusion about what is possible, limiting the full range of opportunities.

The Good Neighbor Authority (GNA) is one example of a relatively new authority that exemplifies the important role state and federal partnerships can play in addressing landscape scale restoration needs. The authority allows the US Forest Service (USFS) or Bureau of Land Management (BLM) to work in partnership with state agencies to implement watershed and forest management activities on federal lands. While states and federal agencies are still determining how best to utilize and structure agreements under GNA, efforts are underway in several pioneering states.

As part of our investment in accelerating learning and innovation across communities and landscapes, RVCC staff sought to “demystify” the use of GNA to clarify current approaches and inform other states and National Forests. To this end, RVCC reviewed existing policy on the authority and specific uses across six Western states: Alaska, California, Idaho, Montana, Oregon, and Washington. To understand existing policy, we reviewed statutes and other legislative documents, available agency guidance on use of the authority (publications and presentations), and examined existing academic literature on the subject. The report was also informed by our staff’s previous experience working with GNA and feedback on our work from practitioners. For a full list of sources, see Citations.

RVCC staff also interviewed eight state and six federal agency staff directly involved in projects, as well as six external partners. These interviews are not intended as a representative sample of the opinions of all parties involved in GNA projects, nor are they intended to provide a comprehensive census of all uses of the new authority. Examining the use of GNA in six early adopter states provides a snapshot and concrete examples of how the authority has been used “on the ground.”

## LEGISLATIVE HISTORY

The Good Neighbor Authority allows the Forest Service or BLM to work in partnership with state agencies in order to implement watershed and forest management activities on federal lands.<sup>1</sup> Permanently authorized in the 2014 Farm Bill, the authority was intended to expand limited federal capacity to implement and plan projects, and addresses shared, cross boundary priorities like fire risk, invasive species, and water quality and wood products supply.<sup>2</sup> The authority is broad, allowing for any restoration service to improve “forest, rangeland, or watershed health,” with some limitations.<sup>3</sup>

The Good Neighbor Authority further allows a state to administer timber sales on federal land and for the federal agency to use the value of wood products to purchase restoration services from state agencies.<sup>4</sup> This aspect of GNA places it alongside stewardship end-results contracting as a tool that allows the value of wood products on a project to help defray the cost of restoration work.

Congress first authorized GNA on a limited and temporary basis in the 2001 Interior Appropriations Act.<sup>5</sup> A response to early efforts between state and federal agencies to work in partnership, GNA was initially authorized for five years

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<sup>1</sup> 16 U.S.C. § 2113a and 16 U.S.C. § 1011 note

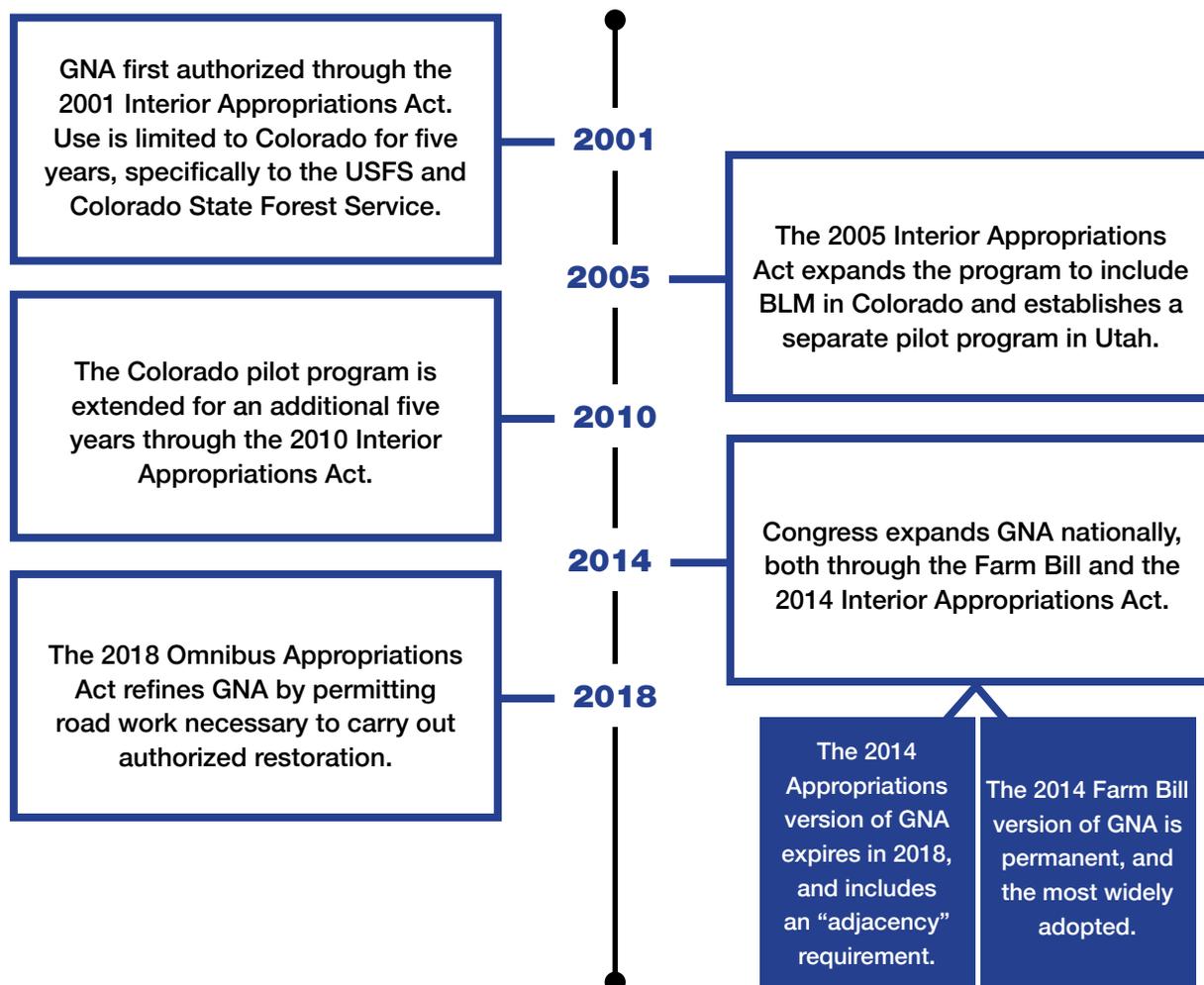
<sup>2</sup> <https://www.fs.fed.us/managing-land/farm-bill/gna>.

<sup>3</sup> 16 U.S.C. § 2113a (a)(1)

<sup>4</sup> Good Neighbor Timber Sales Interim Implementation Instructions Enclosure with Forest Management and Update and Reissuance of the Good Neighbor Authority Policy and Guidance for USFS and BLM guidance, respectively

<sup>5</sup> P.L. 106-291

## EVOLUTION OF THE GOOD NEIGHBOR AUTHORITY



exclusively in Colorado and restricted to the National and Colorado State Forest Services. The primary goal of the pilot authority was “watershed restoration and protection services... when similar and complementary watershed restoration and protection services are being performed by the State Forest Service on adjacent State or private lands.”<sup>6</sup>

The pilot program was expanded in the 2005 Appropriations Act to include the Bureau of Land Management in Colorado, and also a separate pilot program in Utah.<sup>7</sup> The 2010 Interior Appropriations Act further extended the Colorado pilot for another five years.<sup>8</sup>

In 2014, Congress authorized two different versions of the authority: one through the Farm Bill and another through the Appropriations Act.<sup>9</sup> Both versions expanded the program nationally. The focus of this report is on the Farm Bill version, both because it has been widely adopted, and because it is permanent, whereas the Appropriations version was only authorized until the end of 2018.<sup>10</sup> The current Good Neighbor Authority allows the Forest Service to enter

<sup>6</sup> Report 106-914

<sup>7</sup> P.L. 108-447

<sup>8</sup> Policies Affecting Implementation of Landscape-scale Treatments on National Forest System Lands at High Risk of Insect and Disease Mortality

<sup>9</sup> PL 113-79 and 16 U.S.C. § 1011 note

<sup>10</sup> Good Neighbor Timber Sales Interim Implementation Instructions Enclosure with Forest Management Director’s Letter to Regional Foresters p.3

into cooperative agreements with states, with the state acting on behalf of the federal partner to perform certain types of work.<sup>11</sup> The purpose of the authority is to provide a framework and to document the cooperative effort between the parties for authorized forest, rangeland, and watershed restoration services.<sup>12</sup> GNA agreements allow a state to perform those restoration services on National Forest System lands. Activities can include habitat improvement, fuels management, insect and disease control, project planning, project preparation work, fire related activities and commercial timber removal.<sup>13</sup> The authority does not apply to designated wilderness or wilderness study areas.<sup>14</sup>

Importantly, only the Appropriations version of the authority included an “adjacency” requirement: where services to be performed on federal land needed to be coupled with similar projects on adjacent state or private ground.<sup>15</sup> This discrepancy between the Farm Bill and Appropriations version of GNA has caused some confusion, but the current and continuing version of GNA does not carry an adjacency requirement according to Forest Service publications.<sup>16</sup>

Congress continues to refine the authority, including recent language allowing for road work in the 2018 Omnibus Appropriations Act. Specifically, GNA now permits road reconstruction, maintenance, decommissioning, and repair in support of restoration activities.<sup>17</sup> Other recent proposed changes include expansion of the authority to tribes and counties.<sup>18</sup>

**Good Neighbor Authority allows the Forest Service to enter into cooperative agreements with states, allowing a state to perform forest, rangeland, and watershed restoration services on National Forest System lands. Activities can include habitat improvement, fuels management, insect and disease control, project planning, project preparation work, fire related activities and commercial timber removal.**

## HOW IT WORKS

### AGREEMENTS

Projects using GNA require an agreement between federal and state agencies, which serves as the legal framework and delineates roles and responsibilities. Agreements are either Stand Alone Agreements or Master Agreements with tiered Supplemental Project Agreements (SPA). To date, Master Agreements are the more common way to structure Good Neighbor agreements, with a state usually signing a statewide Master Agreement with the Forest Service that identifies eligible participatory state agencies, but that does not commit funds or delineate specific projects.<sup>19</sup> The Master Agreement serves as an umbrella under which Supplemental Project Agreements are nested. Each SPA includes specific restoration projects and a budget, and are often set at the scale of a National Forest (although this is not required).<sup>20</sup> There is an emerging model of developing Forest-wide SPAs and then modifying these agreements when needed to add additional projects and budgets as they become available. In this approach, the modification is at the project level of the agreement.

Stand Alone Agreements and Master Agreements have a 10-year timeline. Any SPA must work within the remaining timeline of that Master Agreement, although the SPA may have a shorter timeline. Any combination of these agreement types can be employed at varying scales (e.g. statewide, Forest-level or project-level). An agreement is made between the Forest Service and a state, but a non-state entity may participate through a subcontract or third party relationship with the state.<sup>21</sup>

<sup>11</sup> PL 113-79, sec. 8206

<sup>12</sup> FS-1500-36a: Master Good Neighbor Agreement

<sup>13</sup> Good Neighbor Agreements Grants and Agreements ACT Training, November 15, 2016

<sup>14</sup> 16 U.S.C. § 2113a (a)(2)(B)

<sup>15</sup> <https://www.fs.fed.us/managing-land/farm-bill/gna>

<sup>16</sup> Good Neighbor Agreement Questions and Comments. USDA Forest Service.

<sup>17</sup> Public Law No: 115-141, Section 212

<sup>18</sup> H.R.2 - Agriculture Improvement Act of 2018

<sup>19</sup> FS-1500-36a: Master Good Neighbor Agreement and Good Neighbor Agreements: grants and agreements ACT training slide 22

<sup>20</sup> FS-1500-36b: Supplemental Project Agreements under CDFA No. 10.691.

<sup>21</sup> Good Neighbor Timber Sales Interim Implementation Instructions Enclosure with Forest Management Director's Letter to Regional Foresters p.4

## COMMON MISCONCEPTIONS

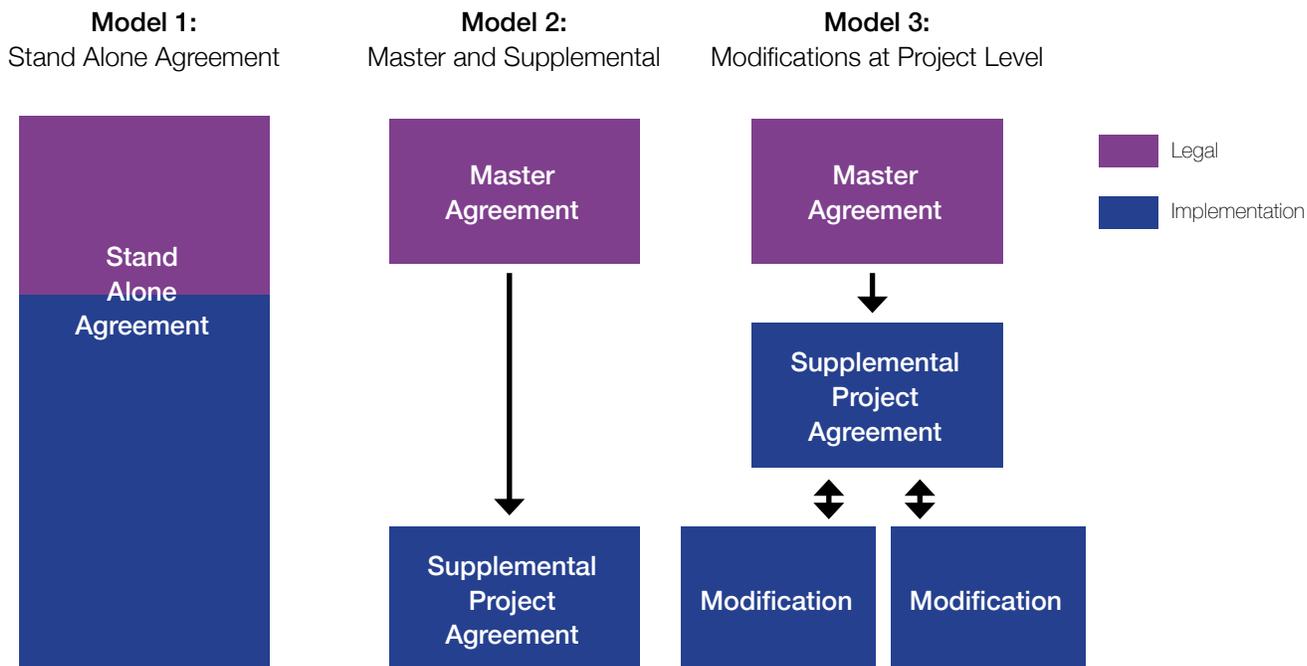
- ✓ **GNA is not a “panacea tool” that can be used for any restoration activity, or the only tool the Forest Service has to partner with states.**
- ✓ **GNA is not only used for vegetation management.**
- ✓ **GNA is not only intended to generate program income.**
- ✓ **Program income, while held and managed by a state, is still federal money.**
- ✓ **GNA does not allow the Forest Service to sidestep NEPA or other environmental laws.**
- ✓ **No additional funding comes with GNA. Projects may be funded through appropriations made for the type of work performed and through the use of program income.**
- ✓ **A state cannot transfer funds to the Forest Service to pay for NEPA or restoration work, although the state may need to pay for state staff up front while waiting for anticipated program income.**
- ✓ **GNA does not require matching funds.**
- ✓ **GNA is not the same as a stewardship contract. GNA does not require collaboration nor does it include “best value” considerations.**
- ✓ **GNA projects are not required to be adjacent to state or private lands.**

## GNA TIMBER SALES

The Good Neighbor Authority allows states to act on behalf of a federal agency to carry out certain kinds of work on federal land, either directly with state staff or through contracts. There are two general categories of GNA projects: those that generate program income from the state-administered sale of federal timber, and those that require a transfer of appropriated or trust funds to the state for the performance of service work (e.g. thinning and aquatic restoration). The service work approach is simpler, wherein a state agency performs or contracts out a discrete task on a federal project and is compensated for the cost of labor and supplies. This approach requires state and federal agencies to come to agreement on the costs for services and the specific deliverables, but is relatively simple.

GNA projects that include a timber sale and generate revenue are more complicated. Revenue from GNA Forest Service timber sales can be used to pay for completion of other authorized restoration services, as well as cover the cost to the state for preparing and administering the sales. This results in two categories of funds from a GNA timber sale: program income (PI) and remaining value above the planned restoration costs, known as net appraised value (NAV). While stewardship contracting and GNA are different tools, they both allow a portion of the value of the timber to be made available for local restoration work. In a stewardship contract the value of the timber is traded to the purchaser for service work, whereas in a Good Neighbor sale, the value of timber pays for the service work from the state or contractors.

## AGREEMENT STRUCTURES



Three contracting pathways for accomplishing work through GNA. Note that agreements can occur at any geographic scale. Master Agreements were scaled at the state-level in all six states examined, while Supplemental Project Agreements were scaled at statewide, Forest, or project levels.

### GNA AGREEMENT TERMINOLOGY

- Master Agreement:** A Master Agreement is usually signed by a Regional Forester and an appropriate state entity or state governor. This agreement establishes the legal framework (e.g. liability, responsible parties, etc.) to allow the development of more specific Supplemental Project Agreements. It may cover a span of 10 years to allow for multi-year projects through Supplemental Project Agreements. The Master Agreement does not allocate funding or specify individual projects.
- Supplemental Project Agreement:** A Supplemental Project Agreement (SPA) contains the project-specific information, although this may be modified over time. It also contains payment information, including a plan for the expenditure of program income. These agreements have a maximum lifespan as long as the Master Agreement it is connected to, but may be shorter. There is flexibility in the geographic scale of a SPA, with some agreements at the level of a project, a Forest, a group of several Forests, or the region. There can be multiple SPAs under a Master Agreement. Importantly, the use of program income must be agreed to in the SPA.
- Modification:** A modification is a change to a Supplemental Project Agreement that may amend existing projects or add new project work under the existing agreement. Some states and Forests write SPAs at a Forest-level and then make modifications as needed for specific projects. Importantly, this approach allows for the use of program income on more than one project.
- Stand Alone Agreement:** Stand Alone Agreements are an option for states that do not have or do not want a Master Agreement. These agreements act as a standalone option that includes details and project information that would be contained in both a Master Agreement and Supplemental Project Agreement, including legal liability and a project budget. Stand Alone Agreements may cover a span of up to 10 years.

## COLLABORATION

Forest Service interim directives include the term collaboration, stating that “[d]evelopment of a Good Neighbor project requires collaboration between the Forest Service, the partnering state, and other interested parties *as appropriate*” (emphasis added).<sup>22</sup> This language leaves room for interpretation, but probably should not be read as a strong requirement to include forest collaboratives in GNA projects.

## PROGRAM INCOME

Program income is the portion of the value of the timber that is available for a state to perform or contract out authorized restoration services, including the cost of sale preparation, administration and project planning.<sup>23</sup> The calculation and use of program income is determined in partnership between state and federal signatories to the agreement during the timber appraisal process and is still considered federal money.

Program income is directly based on the anticipated cost of the restoration work and the anticipated cost of administering the timber sale - it is not simply the value of the timber. Should less restoration work be planned, the program income will be reduced and the net appraised value will increase.<sup>24</sup>

In a GNA timber sale, a portion of the value of the timber must return to the federal treasury as it would with a traditional timber sale. Referred to as net appraised value, these funds represent the difference between the value of the timber and the cost of logging, authorized restoration work, and the administrative cost to the state.<sup>25</sup> The net appraised value is transferred from the state to the federal agency. Trust funds and county payments are based on net appraisal.<sup>26</sup>

Rules and guidance on the calculation and use of program income may change over time. The concept has been included by the Forest Service through their interim directives, and comes from older grants and agreements directives, not from statute.<sup>27</sup> The Bureau of Land Management does not treat timber value as program income, explicitly stating “BLM will collect 100% of the receipts as defined in the state timber sale contract, and will not treat any product value as Program Income in the case of an agreement.”<sup>28</sup>

Program income is not available until purchasers make payments for timber, so it can take years to receive the funds needed to recover previously-incurred expenses of a state agency. Over time, program income may accrue to a level to cover initial costs and anticipated costs of future sales, creating a “self-sustaining” program, where funding is rolled forward to pay for the next sale, rather than states having to pay staffing costs up front for each project. This approach depends on the scale of the agreement (e.g. Forest-wide or a single project), the value of the timber, and the value of planned restoration work. A challenge with this approach is that funds must be spent by the end of the agreement, which only lasts ten years.

States are anticipating the possibility of developing self-sustaining Good Neighbor programs by using the program income from a project to not only pay for the administrative cost of the next project, but also to pay for National Environmental Policy Act (NEPA) planning and analysis for future projects. The Forest Service interim directives explicitly include planning as a permitted use of program income, but as with the future timber sale administration costs, the use of program income on future projects is subject to agreement between agencies and will depend on expansive agreement structures that can incorporate more than one project.<sup>29</sup>

<sup>22</sup> Good Neighbor Timber Sales Interim Implementation Instructions Enclosure with Forest Management Director's Letter to Regional Foresters p. 6

<sup>23</sup> Good Neighbor Timber Sales Interim Implementation Instructions Enclosure with Forest Management Director's Letter to Regional Foresters p.17

<sup>24</sup> Ibid p. 11

<sup>25</sup> Ibid p. 11

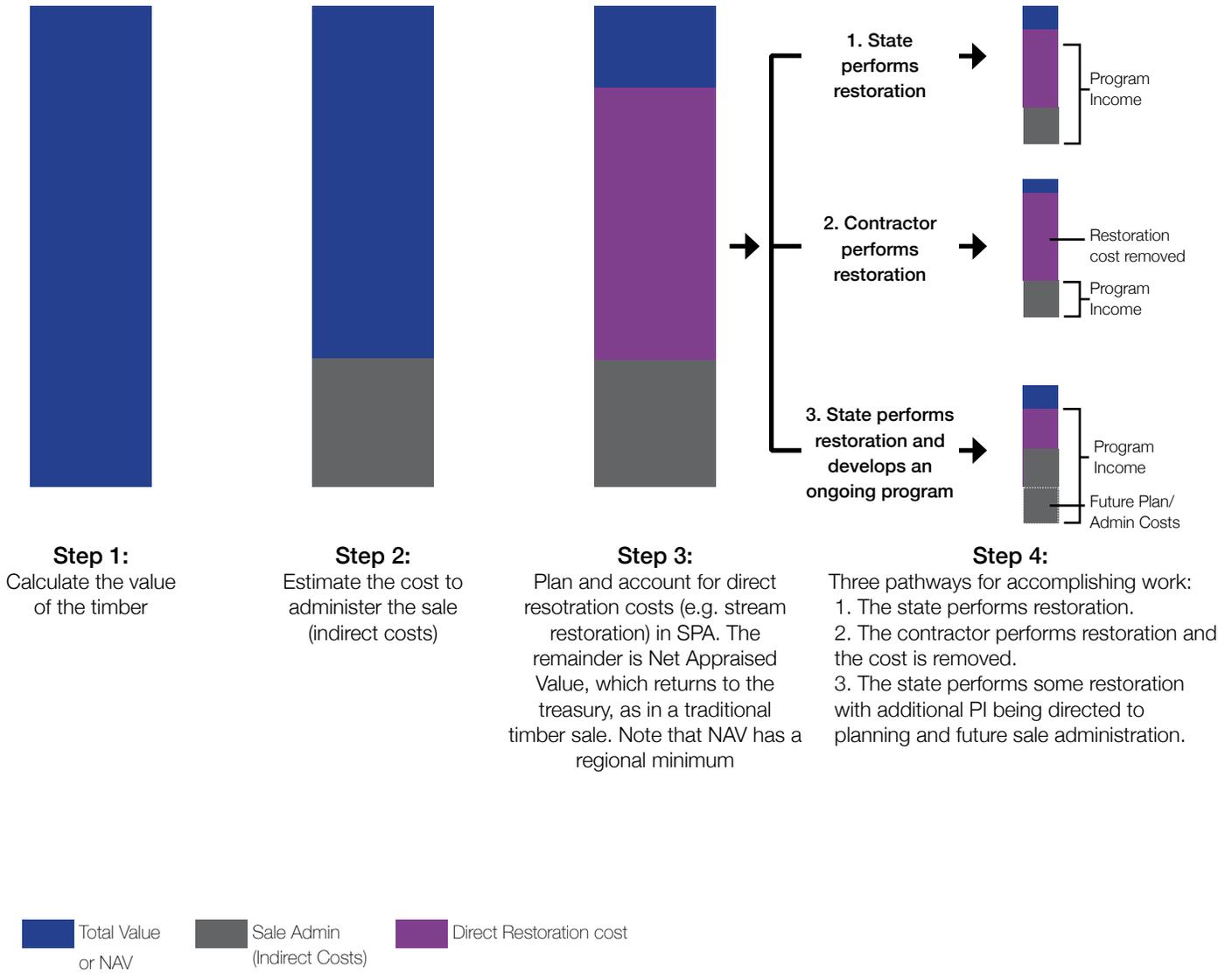
<sup>26</sup> Ibid p. 12

<sup>27</sup> Ibid p. 4

<sup>28</sup> Update and Reissuance of the Good Neighbor Authority Policy and Guidance (IM 2018-008) p. 10

<sup>29</sup> Good Neighbor Timber Sales Interim Implementation Instructions Enclosure with Forest Management Director's Letter to Regional Foresters p.7

### GOOD NEIGHBOR FOREST SERVICE TIMBER SALE



# Use of Good Neighbor in six western states

To better understand how state and federal agencies are using GNA, we interviewed 20 practitioners from Alaska, California, Idaho, Montana, Oregon, and Washington about the status and use of GNA in their states. Respondents included Forest Service staff and individuals from participating state agencies, as well as external partners. We also reviewed documents summarizing GNA projects in each state. The opinions and conclusions in each section are those of interviewees, unless otherwise noted.

# Alaska



## **AGREEMENT TYPE**

One Master Agreement, Five Supplemental Project Agreements

## **PROJECT TYPES**

Insect and disease detection and control, invasive eradication, prescribed fire, forest inventory, timber sales, fisheries and aquatic habitat restoration

## **STATE PARTNER**

State of Alaska Division of Forestry

## **NATIONAL FOREST**

Tongass

## PROJECT DESCRIPTION

The State of Alaska signed a Master Agreement in 2016 and a SPA covering the Tongass National Forest in 2017. The projects in Alaska focused on timber sales with additional restoration elements, the first of which generated 29 million board feet from approximately 1,500 acres of young growth timber. The State of Alaska primarily accomplished GNA projects using existing staff, although some of their staffing was augmented by a separate non-GNA agreement between the state and Forest Service. Interviewees reported that any income generated from timber sales will go toward funding additional restoration activities and expanding state staff capacity.



## ENABLING CONDITIONS

The majority of funding for GNA activities came from the Forest Service Regional Office. Supplemental funds were reportedly made available through cost sharing from external partners. Initial projects primarily relied on completed NEPA, although one young growth timber thinning project was signed while an Environmental Assessment was still being conducted.

Interviewees reported that mutually supportive state and federal leadership, as well as external partner support, enabled agreement on signing a GNA project. Interviewees also reported that good relationships between the state of Alaska Division of Forestry and the Forest Service allowed the two partners to work together effectively. Additionally, a designated official was tasked to act as a liaison between the two agencies. Leaders from both the state and Forest Service were reported as having been open and committed to effectively using GNA as a tool to manage lands. Capable staff were available to take leadership's intent and deliver on these projects. Interviewees noted that the Forest Service was open to state assistance, and stated that forest management requires agencies to work together to solve complex problems. A local collaborative was reportedly involved in the scoping and NEPA analysis process for a project in their area.

## CHALLENGES

Limited Forest Service staff capacity, a steep learning curve, and employee resistance to perceived loss of autonomy were identified as barriers. Although the majority of federal staff were reportedly open to state assistance, interviewees mentioned that some Forest Service personnel felt as if they were losing the opportunity to conduct meaningful work by partnering with the state, leading to frustrations at the field level. Another reported challenge was the additional time necessary to learn how to use a new authority, although interviewees did mention seeking out early lessons on the use of GNA from practitioners in Wisconsin, Oregon and Idaho.



# California

## **AGREEMENT TYPE**

One Master Agreement, Two Supplemental Project Agreements

## **PROJECT TYPES**

Fuel breaks, fuel reduction, treatment of insect mortality

## **STATE PARTNER**

California Natural Resources Agency (which includes Cal Fire and other natural resource departments)

## **NATIONAL FOREST**

Eldorado and Sierra

## PROJECT DESCRIPTION

Region 5 of the Forest Service and the California Natural Resources agency signed a Master Agreement in January 2016. Two Supplemental Project Agreements were also signed: one to reduce fuels on the Eldorado National Forest, and the other to address tree mortality on the Sierra National Forest. Both SPAs are signed by Cal Fire. The Eldorado project was an extension of work already being done as part of the Highway 50 Corridor project. Using GNA allowed the state agency to expand work onto Forest Service lands, as well as facilitate collaborative work between the Forest Service and the state. The project on the Sierra National Forest included work conducted in tandem with a Wyden Authority project, which allowed Forest Service crews to work on private lands with Cal Fire staff. The combination of these two agreements allowed Forest Service and Cal Fire crews to work collaboratively to treat tree mortality on both sides of the ownership boundary. California state agencies used existing staff to implement GNA projects. None of these projects generated program income.

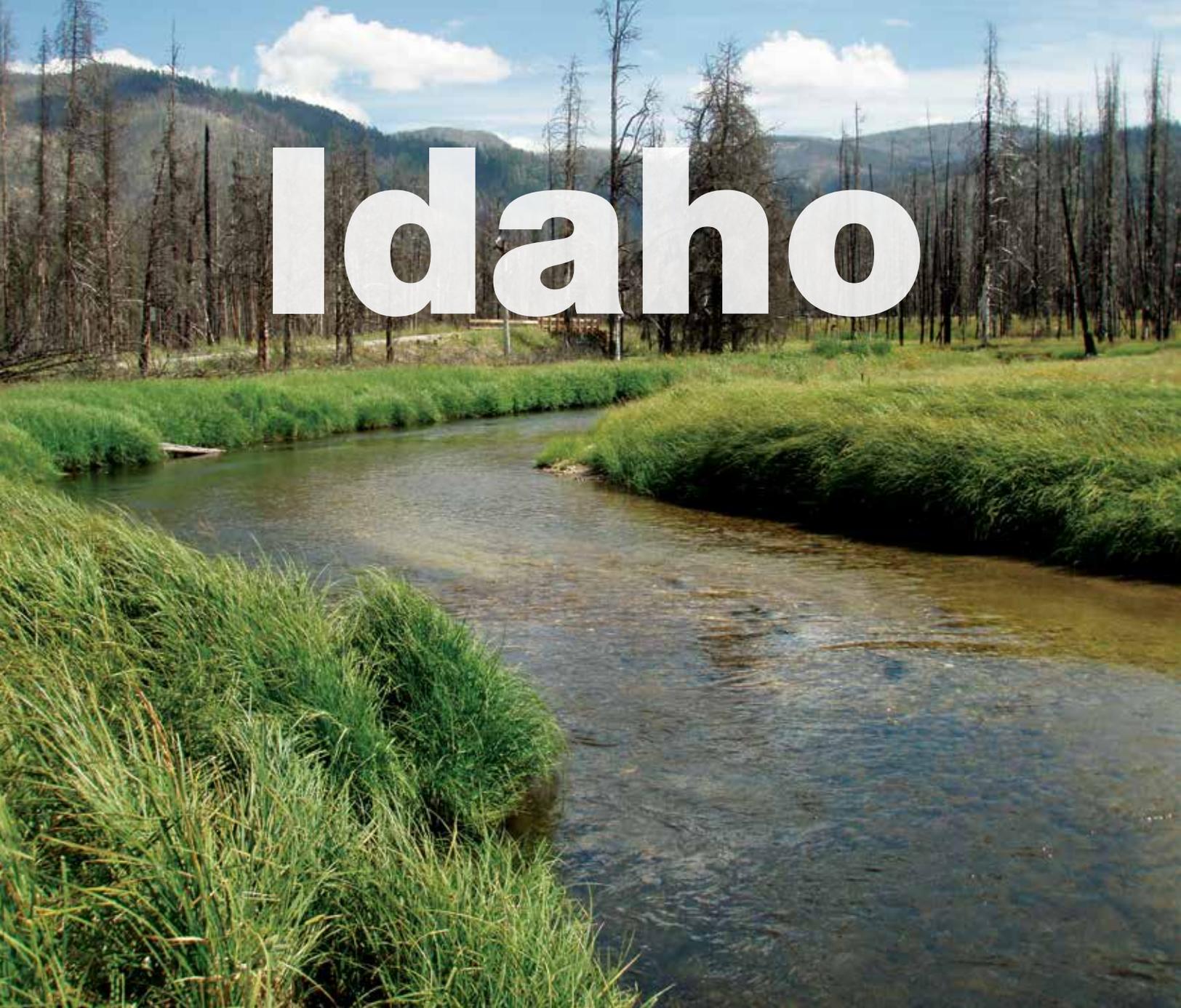


## ENABLING CONDITIONS

The majority of funding for the Eldorado project came from the Forest Service. No money was transferred for the Sierra project. Instead, a transfer of services was used, and work was accomplished through a GNA agreement and through the Wyden Authority under a Participating Agreement. The agencies used complementary capacities to accomplish more work on both private and federal lands: state crews had more manual labor capacity, while the Forest Service had the ability to fell larger trees. Each agency funded their own crews on the Sierra project. Projects using GNA in California relied on completed NEPA, although Cal Fire subcontracted a regional Conservation District to conduct NEPA and California Environmental Quality Act (CEQA) for an extension of the fuel break efforts on the Eldorado National Forest. Staff in California looked to Oregon as a model for how to better involve collaborative groups in future projects.

## CHALLENGES

Challenges in California included capacity limitations, lack of federal or state agency training in the use of GNA, and state environmental regulations, specifically CEQA. Given strict state-level environmental regulations, more limited state capacity in forest resource management, and fewer timber-driven projects, California has struggled with how to effectively expand the use of GNA. Interviewees reported that Cal Fire was focused on fire suppression and lacked staff capacity to implement broader resource management activities during fire season. The state also reportedly had grants to create carbon positive benefits and that Cal Fire was developing their role more as a financier than an implementer. The California Natural Resources Agency was also constrained by rigorous state environmental regulations; which state agencies were required to follow even on federal projects.



# Idaho

## **AGREEMENT TYPE**

One Master Agreement, Four Supplemental Project Agreements

## **PROJECT TYPES**

Timber sales, prescribed fire, road maintenance, noxious weed treatments

## **STATE PARTNER**

Idaho Department of Lands

## **NATIONAL FOREST**

Boise, Idaho Panhandle, Nez Perce-Clearwater, and Payette

## PROJECT DESCRIPTION

The Idaho Department of Lands (IDL) signed a Master Agreement in May 2016 with Forest Service Regions 1 and 4. The IDL then established Supplemental Project Agreements with four National Forests that covered ten individual projects, and has sold two timber sales that generated almost \$2 million in program income. The state dedicated more than four full time staff to GNA projects, including a program manager, two program specialists, one fiscal specialist, and one part-time grants coordinator. The state expected to hire seven additional full time GNA-dedicated staff in 2019, as well as eight to ten seasonal positions. Other state employees also contribute to the program, although they were not dedicated to GNA projects. Interviewees report that IDL envisioned creating a 'self-sustaining' GNA program, wherein successive restoration projects generate sufficient program income to cover planning and sale administration costs, with remaining funds used for other restoration work. Restoration activities to be funded with program income have reportedly been identified in a work list agreed upon by both IDL and the Forest Service.



## ENABLING CONDITIONS

The Idaho Department of Lands staff sought lessons from Wisconsin (an early adopter of GNA), invested additional funds to start projects, had a high degree of partner alignment and support, and had supportive internal leadership that prioritized using GNA. Initial investments were used to hire dedicated staff, conduct planning, and fill expertise gaps within the Forest Service planning teams. Mutual respect between partners in Idaho, and a shared commitment to address fire and overall forest health, reportedly allowed for aligned restoration goals and an ability to handle missteps.

Funding for GNA projects came from several sources. In addition to appropriated funds, the Forest Service invested \$900,000 in State and Private Forestry grants to IDL over three years. IDL also contributed \$250,000 through general state operating funds. The forest products industry reportedly anticipated contributing up to \$1 million over five years. Most GNA projects used previously completed NEPA, but additional NEPA work was also subcontracted to third-party firms. The third-party NEPA process was initiated with a state contract that assembled five private sector NEPA teams to work for three years on federal lands under the Master Agreement. While the Forest Service retained decision-making authority, the state procurement process helped acquire NEPA services on a faster timeline. Some state staff have directly assisted on NEPA documents as well. Forest collaboratives were reportedly informed of and were supportive of the work being conducted under GNA.

## CHALLENGES

Interviewees reported that the ten-year limitation of Master Agreements was a challenge to the idea of a self-sustaining program in Idaho. Program income generated from a project must be spent during the lifetime of the Master Agreement it is nested under; any program income that remains after the Master Agreement expires is sent to the federal treasury. Interviewees in Idaho were concerned that they would not have enough time to reinvest the significant amount of income expected. Finally, it took considerable time to understand how state and federal partners could best assist each other.

# Montana



## **AGREEMENT TYPE**

One Master Agreement, Four Stand Alone Agreements

## **PROJECT TYPES**

Biomass removal and utilization, fisheries improvement, habitat restoration, restoration harvest, collaboration, capacity building, hazardous fuels reduction

## **STATE PARTNER**

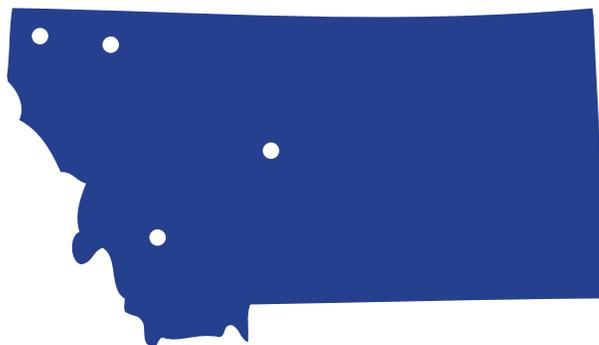
Montana Department of Natural Resources and Conservation

## **NATIONAL FOREST**

Beaverhead-Deerlodge, Flathead, Kootenai, and Lewis and Clark

## PROJECT DESCRIPTION

The Montana Department of Natural Resources and Conservation (DNRC) and Forest Service Region 1 signed a Master Agreement in July 2016. They also entered into Stand Alone Agreements in an effort to maximize the lifespan of projects. The DNRC was reported to be working with every National Forest in Montana to develop multi-year project plans. Projects scheduled for 2018 and 2019 included six restoration harvest projects located on the Kootenai, Beaverhead-Deerlodge, and Flathead National Forests. A Stand Alone Agreement was also signed for a project on the Kootenai National Forest and another was in development for the Flathead. Another agreement was being developed that would cover three National Forests in Eastern Montana, with the intent to allow those Forests to leverage capacity and resources and share program income.



The Montana DNRC had two staff dedicated to GNA projects, but also used existing staff around the state to implement GNA projects as workloads permitted. Additionally, the DNRC used seasonal technicians to perform project field work and had integrated a DNRC botanist with a Forest Service NEPA team. Montana DNRC staff anticipated using program income to develop a self-sustaining program, as well as conduct restoration, similar to the approach taken in Idaho. A 1.5 million board foot timber sale on the Kootenai NF was planned with this intent.

## ENABLING CONDITIONS

GNA projects in Montana benefited from the high profile of forest health problems, leading to supportive leadership, and leveraged partner resources. Montana DNRC had already worked in partnership with federal agencies through a Master Stewardship Agreement and the Forest and Focus Initiative (intended to increase the pace and scale of restoration on federal land), as well as the Western Governors' Association Forest and Rangeland Initiative. The Forest Service Regional Office provided more than \$550,000 to the state as seed funding to begin implementing projects using GNA. To assist in the development of projects, Montana DNRC hired a liaison to work with the Forest Service. GNA projects in Montana were initiated with completed NEPA. State resources, including funding through the Forests in Focus Initiative, also went to policy support and project development, which reportedly built trust between the partners and demonstrated state commitment to federal partners and to using GNA.

## CHALLENGES

Interviewees identified limited state capacity, federal agency culture, inconsistent support from state agency leadership, and a steep learning curve as challenges to the use of GNA in Montana. State staff and partner liaisons worked to build trust between agencies, with inconsistencies in leadership support for using GNA. Reportedly, it was initially difficult for some staff in the Forest Service to engage in shared stewardship with the state. State and federal partners worked to build trust, ultimately improving the receptivity to the use of the authority.



# Oregon

## **AGREEMENT TYPE**

One Master Agreement, 14 Supplemental Project Agreements

## **PROJECT TYPES**

Wildlife surveys, timber sale and prep, fuel reduction, habitat restoration

## **STATE PARTNER**

State Partners: Oregon Department of Forestry & Oregon Department of Fish and Wildlife

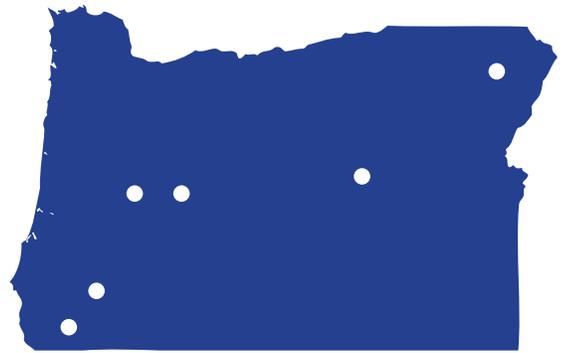
## **NATIONAL FOREST**

Deschutes, Fremont-Winema, Malheur, Mt. Hood, Rogue River-Siskiyou, Wallowa-Whitman, Willamette

## PROJECT DESCRIPTION

The State of Oregon and Forest Service Region 6 signed a Master Agreement in March 2016. To date, 14 Supplemental Project Agreements had been tiered to the Master Agreement and signed by the Oregon Department of Forestry (ODF) and Oregon Department of Fish & Wildlife (ODFW), covering seven out of eleven National Forests in the state.

Projects focused primarily on vegetation management, but there was also a wildlife project to detect white nose syndrome in bats. Oregon's first timber sale project generated \$224,000. Anticipated uses of program income included recoupment of ODF's costs to administer the timber sale, juniper thinning, invasive weed treatments, and other restoration. Direction over the use of program income remained uncertain, with multiple partners at various scales providing input on decisions.



ODF started by utilizing existing staff on GNA projects, but hired new positions as more projects were developed. State and federal funds were coupled to help fund four field-based Federal Forest Restoration Program (FFRP) coordinators charged with developing GNA projects at the local level. Additional field staff costs were accounted for in the individual budgets of the Supplemental Project Agreements. ODF anticipated using program income to complete priority restoration work and fund further timber removal and investment in project planning.

## ENABLING CONDITIONS

Interviewees identified the state FFRP, established relationships, partner alignment, and the use of a pilot project as important ingredients in the GNA projects Oregon. ODF provided upfront funding to initiate GNA projects using state funds allocated to FFRP. The State was also awarded \$2.8 million by their federal partners in the Regional Office to carry out restoration service work under GNA and invest in additional state capacity. Projects in Oregon primarily relied on completed NEPA, but an insect and disease Categorical Exclusion was used for the pilot timber project. One interviewee reported viewing GNA as a tool to reduce the implementation timeline in an effort to limit frustration from collaborators that comes with delayed implementation.

## CHALLENGES

Interviewees reported that GNA projects were slowed by limited state staff, concerns about county payments, and the time required for people to feel comfortable trying new things. Lack of available NEPA-ready acres for commercial timber harvest, limited appropriated funds for projects, and low timber values in areas needing fuels reduction, especially in eastern Oregon, also reportedly posed challenges. GNA projects in Oregon utilized existing state employees, adding responsibilities and straining capacity. Some interviewees believe that increasing the scale of GNA work was necessary to justify adding new staff. Finally, it was reported that some county commissioners were cautious about GNA projects that included commercial timber harvest, noting the reduction in county payments based on reduced returns to the federal treasury.



# Washington

## **AGREEMENT TYPE**

One Master Agreement, Six Supplemental Project Agreements

## **PROJECT TYPES**

Timber sale and prep, stream monitoring, fuel reduction, engineering support

## **STATE PARTNER**

Washington Department of Natural Resources

## **NATIONAL FOREST**

Colville, Gifford-Pinchot, Mt. Baker-Snoqualmie, Okanogan-Wenatchee, Olympic

## PROJECT DESCRIPTION

The Washington Department of Natural Resources (DNR) signed a Master Agreement with Forest Service Region 6 in March 2017. Nested under this Master Agreement were three Forest-wide Supplemental Project Agreements, two project-specific agreements, and a programmatic, statewide agreement referred to as the “Statewide Resale SPA.” This SPA allowed any forest in the state to receive funding to conduct restoration timber sale pre-work and start new GNA projects. GNA projects were staffed through non-permanent positions until sufficient funding was established to hire more employees. Washington DNR has since hired four dedicated employees for GNA projects, one to work in northeastern Washington and three more to work at the state level. Existing state staff were asked to voluntarily add GNA projects to their workloads, and provided support when they were willing and able. According to interviewees, program income will be reinvested into additional restoration, contracted NEPA analysis, and additional state staff. Pending restoration projects included aquatic and wildlife habitat improvement, prescribed fire, and NEPA planning support.



## ENABLING CONDITIONS

Good Neighbor projects in Washington benefited from state startup funding, supportive leadership, and partner alignment. Washington's legislature supported a \$13 million investment in forest health in 2017, \$500,000 of which went toward GNA projects. The Forest Service also provided about \$825,000 for the three ongoing SPAs. More leveraged funds were expected from the state's competitive grant program. The DNR relied on completed NEPA and reportedly kept collaboratives apprised of project goals. Washington's Commissioner of Public Lands was supportive of GNA and the Department of Natural Resources had a history of supporting partnerships. Additionally, the state's 20-year Forest Health strategic plan emphasized the need for forest health treatments on federal lands, rallying others to help federal partners. Finally, state legislation created a protected revolving account dedicated to receiving and expending program income.

## CHALLENGES

Challenges in Washington included limited state staff capacity, hiring delays, and hesitancy to adopt the use of a new authority that has such a broad scope. Interviewees mentioned that GNA activities were an added process onto current agency and state business, straining both state and federal employees. They also reported difficulty in acquiring buy-in from Forest Service staff at the ground level. Washington was also working to develop a sustained long-term funding mechanism to continue GNA efforts, which limits the growth of the program.

# FINDINGS

## COMMON ENABLING CONDITIONS

Across the six states surveyed, several common factors contributed to the development and success of GNA efforts. Interviewees in four states reported that good relationships and an alignment of goals between partners allowed state and federal agencies to work together more effectively than if no relationships or shared goals were in place before GNA agreements. Additionally, previous experience working together reportedly reduced the time spent learning to use the new authority. Four states further opted to designate or hire an official to act as a liaison between the state and federal partners, reportedly increasing trust and coordination. Interviewees in three states noted that strong support from leadership was an important factor in developing GNA projects.

Some degree of peer learning took place between all the six states reviewed. State agency employees in Idaho looked to practitioners in Wisconsin, an early adopter, to get started. State agency staff reached out to experienced practitioners in Wisconsin, Oregon, and Idaho to ask for their lessons learned before embarking on their own projects. Agency employees in Montana, Oregon, Washington, and Idaho also met together to exchange information and lessons learned, and planned to make such meetings a regular occurrence. By reaching out to and working off of each other's models, interviewees reportedly learned from each other and were able to better conduct GNA projects in their own states.

Up front funding was reported as a key ingredient for more expansive GNA efforts in five states. Interviewees reported that program income may ultimately cover the cost of timber sale administration and other restoration work, but state salaries needed to be paid in the intervening months, if not years, required for a timber sale to be completed. Agencies made use of a variety of funding sources to cover up front costs for GNA projects, including state appropriations, appropriate National Forest System budget categories, State & Private Forestry grants, and through industry contributions in one state.

## COMMON CHALLENGES

Although GNA created opportunities for shared stewardship, interviewees reported that limitations with state agency capacity, and both state and federal agency cultural resistance, inhibited project implementation in some states. Forest Service interviewees in Alaska and Montana stated that federal land managers showed some reluctance to use the new authority, noting in one case that federal personnel felt as if they were losing the opportunity to be involved in meaningful work. These tensions, when they occurred, reportedly caused delays and required clear commitment from leadership to encourage partners to work together.

Interviewees also noted that using GNA added an additional process on top of current state and federal agency workloads. Given that all the states reviewed relied on existing staff to some degree, this reportedly created additional strain on both state and federal staff. Staff capacity was also reportedly limited by hiring delays and lack of expertise in grants and agreements. Finally, interviewees in four states mentioned that the time spent learning to use a new authority posed a challenge. Specifically, establishing the agreement frameworks, timber sale protocols, and management of program income required high levels of trust and coordination.

## EMERGING THEMES

Variation in use of the GNA was found in the types of project activities, use of program income, intersection with the NEPA process, enabling funding sources, staffing approaches, and engagement with partners.

## ACTIVITIES

Project work can include forest, rangeland, and watershed restoration. Our research identified insect and disease detection and control, sale preparation, aquatic habitat restoration, fuels reduction, herbicide application, and wildlife

surveys as specific activities conducted under GNA in the six states examined. All six states engaged in vegetation management projects, making it the most common use. Of the six states, only California was not engaged in a commercial timber sale. Interviewees also identified fire risk reduction as a primary goal of GNA projects, except on projects in Alaska. All six states reported signing agreements between state forest or fire management agencies and the Forest Service. Only the State of Oregon had also signed an agreement with a state Fish and Wildlife agency, although agreements in Washington and California include state agencies whose purview expands beyond forestry.

### **PROGRAM INCOME**

Compared to previous state and federal partnership mechanisms, GNA is unique in that the value of timber from a project can be used for additional restoration, planning, or future sale administration costs. The management and prioritization of program income is determined between state and federal partners, with activities enumerated in the agreements.

Forest Service guidance states that the use of program income should be determined in the SPA, although the actual process in practice appears to be more fluid. State agencies and their federal partners must come to agreement on the use of program income, but beyond this, the process or venue for decision-making appeared to be unclear and differ from state to state. Part of the lack of clarity on program income may come from the uncertain value of the timber on a given sale. This appears to result in amendments to the original SPA in order to maximize the use of program income for future projects and restoration service work.

### **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)**

Decisions under the National Environmental Policy Act remain with the federal agency in a GNA project. States may contribute to the NEPA analysis process, however, either through direct state involvement or through contractors. Interviews showed that all states initially relied on completed NEPA, although Idaho and Washington intended to use program income to pay for contracted NEPA analysis. Those states that seek to develop self-sustaining GNA programs may need to direct sufficient program income to completion of new NEPA analysis in order to continue generating program income.

The use of completed NEPA also has implications for collaborative groups seeking to engage in GNA projects. Most collaborative groups in the West have focused on project planning, rarely becoming fully involved in the implementation process.<sup>30</sup> If GNA projects are largely dependent on completed NEPA, this may either signal a limited role for collaborative groups or may encourage and require them to be more involved in the implementation phase of projects, should they wish to engage with GNA.

### **ENABLING FUNDING**

Good Neighbor agreements allow for the transfer of funds *from* a federal agency *to* a state agency, with no matching funds required. That said, all states reviewed, except California, reported needing “startup” funding in order to begin engaging in GNA projects, particularly when a state agency expected reimbursement through the eventual sale of timber and the generation of program income. Four states reported legislatively-funded state programs that either contributed to, or were the primary state party responsible for GNA projects. Idaho, Montana, Oregon and Washington all have such state-funded programs. Whether or not there is a state-funded program, GNA agreements themselves do not allow for the transfer of state funds to federal projects; rather, states may need to pay up-front for labor costs associated with a GNA project that is expected to recoup program income.

Funding sources included USFS State & Private Forestry, state-funded federal restoration programs, and private industry in Idaho. In projects that did not generate program income, such as a state assisting with timber sale layout or thinning, funding was more likely to come from federally appropriated funds or a trust fund (e.g. Knutson-Vandenberg funds). At this time, Forest Service internal guidance does not permit the use of Stewardship Authority retained receipts to fund projects through GNA agreements.<sup>31</sup>

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<sup>30</sup> Comparison of USDA Forest Service and Stakeholder Motivations and Experiences in Collaborative Federal Forest Governance in the Western United States. Davis et al, 2017.

<sup>31</sup> Good Neighbor Agreements: grants and agreements ACT training slide 14 presenters notes

## STAFFING

Because GNA is an authority, not a new program, there are no appropriated funds nor does it immediately create additional workforce capacity to accomplish projects. Interviewees in four states reported struggling to balance existing state workloads with additional projects through GNA. Another four state agencies showed a willingness to hire additional staff to meet the additional work of GNA projects, although interviewees often cited a need for stable program income or identified future projects before expanding staff capacity permanently. Although GNA allows states to hire contractors to complete work, this appears less common than utilizing state employees and still required staff capacity to administer contracts. Only interviewees in Idaho mentioned having utilized contractors for GNA projects. Hiring additional staff or extending existing seasonal staff was also constrained by state policy and was not always flexible enough to allow for rapid expansion of staff capacity. Finally, four states reported creating liaison positions early in the process of developing GNA projects to act as coordinators between state and federal agencies.

## PARTNERS

Utilizing GNA relied on good working relationships between state and federal agencies. Interviewees in four states reported a strong history of state-federal cooperation, which allowed for rapid development of projects under GNA. Four states saw a value in hiring new staff or dedicating existing staff to work as liaisons or coordinators between state and federal agencies. Oregon specifically included salary for cost-share coordinator positions in a SPA.

States took different approaches to non-agency partnerships and the authority. Interviewees in all six states reported keeping forest collaboratives informed of GNA projects, but not necessarily asking for direct feedback on project selection or execution. Absent a more thorough interview of external partners, it is unclear what that engagement entails.

## DISCUSSION

Our research identified some common themes in the use of GNA, but it also revealed flexibility and uncertainty about the authority. Good Neighbor Authority is still a relatively new tool and will continue to evolve as different states find creative ways to make use of it in local contexts. Many of the questions and concerns about GNA that we heard from interested parties and interviewees are open to interpretation and do not have definitive answers at this time. Interim directives may change, agencies may become more or less risk averse, and unexpected outcomes may result in more or less support for using the authority. Specifically, it is unclear if GNA offers the opportunity for a long-term self-sustaining program, how GNA can be used for all lands work, what the role of collaboratives may be, how program income can and should be used, and if use of the authority will lead to additional outputs from public lands.

### GNA AS A PROGRAM VS. AUTHORITY

External partners, including industry, seem to have high expectations for GNA, seeing it as a pathway to a new, self-sustaining timber program, administered by the states and generating enough program income to pay for contracted NEPA analysis as well as restoration. This interpretation of GNA views state efforts as establishing Good Neighbor *programs*. Federal agency personnel may be more inclined to view the authority as one additional *tool* without an assumption of an ongoing program or self-sustaining system. This has implications for state agency willingness to partner with federal agencies, as well as for the promulgation and interpretation of federal directives.

This difference in perception may stem in part from state need to develop staff capacity to implement GNA projects. Apart from shoulder season work by firefighters and other seasonal staff, GNA work that truly leads to increased restoration will require hiring new employees. States may be reluctant to hire new staff without assurances of future work, leading to the need to see ongoing GNA programs. An additional challenge to the idea of a self-sustaining program is the 10-year lifespan of current Master Agreements. Funds would need to be rolled over into a new agreement for programs to continue beyond the initial ten years, but there is no clear mechanism to do so. Finally, a self-sustaining program requires sufficient timber value to cover administrative costs, planning costs, and additional restoration, which may not be possible on all Forests or projects, depending on past management, ecology, and market values.

## GNA AND ALL-LANDS WORK

The adjacency requirement of the Appropriations version of GNA has led some to assume the authority is designed for all-lands, cross-boundary restoration. Although that may have been part of the intent behind early versions of the authority, the Forest Service explicitly states that the permanently authorized version does not require work on adjacent state or private land.<sup>32</sup> That said, the statute does call for “similar and complementary” work to be performed on federal and non-federal land.<sup>33</sup> How or if this “similar and complementary” aspect is regarded legally remains to be seen. Intentions aside, the authority may prove an awkward tool for such projects.

At this time, there does not appear to be a clear model for how best to use GNA for cross boundary projects, or even if GNA is the most appropriate tool, although California, Idaho, and Oregon have made inroads. Early efforts at cross-boundary work in California have required “stacking” GNA with other tools, such as the Wyden Authority.

## COLLABORATION

Forest collaboratives may wonder what the intersection of the collaborative process is with the use of the new authority. The statute itself contains no mention of collaboration, unlike other recent forestry laws, such as 2014 Farm Bill Categorical Exclusions or stewardship contracting. However, the interim Forest Service Directives do reference collaboration, but seem to define the term as partnership and cooperation between the state and federal agencies, with other partners included as appropriate. All six states we examined appeared to include feedback from collaboratives as a component of state agreement to take on projects, but this is weakly formalized and differed state to state. Furthermore, GNA is largely an implementation tool and many forest collaboratives are more focused on project planning than the mechanics of getting the work accomplished. Collaborative involvement may be more likely if states use program income to fund contract NEPA analysis in the future, allowing for collaboratives to participate in the planning of GNA projects.

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<sup>32</sup> Good Neighbor Agreement Questions and Comments. USDA Forest Service.

<sup>33</sup> 16 U.S.C. § 2113a (a)(1)(A)



## **PROGRAM INCOME**

Conversations about GNA in Oregon demonstrate that many stakeholders come to the table concerned about how program income will be distributed, whether for restoration, contract NEPA, sale administration, or other uses. According to interim directives, the use of program income is set out in the Supplemental Project Agreement at the start of the project and is negotiated between the state and federal agencies. In practice, however, SPAs may be amended as needed to direct the use of program income. This may be due in part to uncertainties in the value of timber; the costs of sale administration, contract NEPA, and restoration; and needed flexibility as state and federal agencies grapple with the use of the new authority. Although understandable, this flexibility may contribute to confusion over the ultimate use of program income. States are taking varying approaches to meeting commitments to stakeholders and this process, formal or informal, is likely to look different over time and in different locations. Ultimately, the amount and distribution of program income will also vary based on landscape and geographic extent of the SPA, leaving no definitive answer to questions about exact use and distribution of program income.

## **ADDITIONALITY**

There are outstanding questions about the role that GNA plays in total outputs from federal land, specifically whether GNA will prove additive to current timber harvest and restoration efforts, or if it will replace other approaches, such as stewardship contracting or traditional timber sales, but ultimately lead to the same level of annual accomplishments.

Annual federal appropriations, staffing levels, timber and restoration targets are all subject to change, creating a shifting baseline against which to view GNA efforts. Yet whether GNA increases annual accomplishments has important implications for many stakeholders. Counties have expressed concern that absent Secure Rural Schools or other funding, the return to revenue-sharing from timber payments would be negatively impacted by more GNA projects, should they supplant traditional timber sales. Collaborative groups may have a similar cause for concern should GNA projects supplant stewardship contracting which, while similar, contains a "best value" provision that allows for greater consideration of local benefit. Neither concern may be warranted if GNA projects are truly additive, but balancing this portfolio of contracting mechanisms is likely to be contentious.

# Conclusion

The Good Neighbor Authority is still a relatively new tool and will continue to evolve as different states find creative ways to make use of it in local contexts. We are in a period of creative exploration of the authority, and its approved use may change over time as a result of agency interpretation, legal challenges, or changes to statute. Whatever specific uses state and federal agencies find for GNA, it represents yet another move towards greater cooperation between state and federal agencies that mutually seek to address the growing wildfire and ecological concerns facing the West. As the Rural Voices for Conservation Coalition works with community based organizations, state, and federal partners across the West on public and private land stewardship, we will continue to monitor use of the authority, with an eye toward how it can help facilitate all lands management and a vision of shared stewardship.

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