

Stewardship Contracting

BLM and Forest Service
implementation of the new
authorities granted under Section
323 of the Omnibus
Appropriations bill
(Public Law 108-7)

Stewardship Contracting – The Act

(a)

Authorization: Section 323 of the Omnibus Appropriations bill (Public Law 108-7) amended section 347 of Public Law 105-277 to grant the Forest Service and Bureau of Land Management authority until

In General, September 30, 2013, to enter into stewardship projects with private persons or public or private entities, by contract or by agreement, to perform services to achieve land management goals for the National Forests or public lands that meet local and rural community needs.

Pilot Program Background

- In 1999 Congress authorized the Forest Service to test a new approach to land stewardship on National Forests
- Created new incentives to work with communities and ensure quality work
- Limited to 84 pilot sites (28 in each of the 1999, 2001, & 2002 Appropriation Acts)

Stewardship Contracting - Now

- July 2003, joint BLM/FS federal register notice on draft Stewardship Guidance
- 62 comments were received and guidance was modified
- January 2004, joint BLM/FS issuance of their respective guidance or handbook



Stewardship Contracts: BLM and Forest Service Issue Direction on Development, Implementation, and Monitoring

The Interior Department's Bureau of Land Management and the USDA Forest Service are issuing final guidance to their field offices on how to develop, implement, and monitor stewardship contracts and agreements. Stewardship contracting involves caring for the land through broad-based community public and community involvement. Stewardship contracting is intended to achieve key land-management goals that improve, maintain, or restore forest or rangeland health; restore or maintain water quality; improve fish and wildlife habitat; reestablish native plant species and increase their resilience to insect and disease; and reduce hazardous fuels that pose risks to communities and ecosystem values through an open, collaborative process. Stewardship contracting authority includes agreements with nonprofits, best-value contracts, designation by description, end results, and goods for services.

- [News Release](#)
- [Guidance Document](#) (502KB PDF)
Guidance on the preparation, implementation, and tracking of BLM stewardship projects, in accordance with Section 323 of Public Law 108-7, the Consolidated Appropriations Resolution, 2003.
- [Instructional Memorandum](#)
Issuance of Stewardship Contracting Guidance and Identifying Stewardship Contracting Opportunities and Projects.
- [BLM Stewardship Contracting Q's & A's](#) (29KB PDF)
Questions and answers about Stewardship Contracting as it affects the BLM.

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We welcome your comments and your suggestions.

Stewardship Contracting Direction

The USDA Forest Service and the Interior Department's Bureau of Land Management (BLM) received new authority to implement stewardship contracting and agreements in the [2003 Appropriations Act \(P.L. 108-7\)](#). The agencies have issued interim guidance regarding how to develop and implement stewardship contracts and agreements.

- [Stewardship Contracting Handbook](#) (Microsoft Word document, 300 kb)
The interim directive providing the Forest Service guidance for Stewardship Contracting is found in the Renewable Resources Handbook, FSH 2409.19, Chapter 60.
- [Notice of Issuance](#) (PDF, 36 kb)
A Federal Register Notice was published January 28, 2004, notifying the public that an interim directive was issued providing guidance for Stewardship Contracting.
- [News Release](#)
A link to a news release entitled "**Federal Agencies Announce Guidelines for Stewardship Contracts and Agreements**" on the Department of Interior's website.
- [Forest Service Stewardship Contracting Questions & Answers](#) (PDF, 25 kb)
Questions and answers about Stewardship Contracting as it affects the Forest Service.
- [Forest Service Stewardship Contracting Fact Sheet](#) (PDF, 13 kb)
Fact sheet about Stewardship Contracting as it affects the Forest Service, including goal, authority, and definitions.
- [BLM Stewardship Contracting](#)
A link to the Bureau of Land Management's Stewardship Contracting web page with information and links to their guidance.

Stewardship Contracting – Section (b) Land Management Goals

- a) road and trail maintenance or obliteration for improved water quality;
- b) soil productivity, habitat for wildlife and fisheries, or other resource values;
- c) setting prescribed fires to improve composition, structure, condition, and health of stands or to improve wildlife habitat;

Stewardship Contracting – Section (b) Land Management Goals

- d. removing vegetation or other activities to promote healthy forest stands, reduce fire hazards or achieve other land management objective;
- e. watershed restoration and maintenance;
- f. restoration and maintenance of wildlife and fish habitat; and
- g. control of noxious and exotic weeds and reestablishing native plant species.

Stewardship Contracting – Section (c) Contracts and Agreements

- Requires the use of “Best Value” as the basis of award
- Extends the authority for contract term up to ten years
- Use the value of forest products to offset the cost of contracted services
- Secretarial Delegation of Authority

Stewardship Contracting – Section (d) Receipts

- Collection of revenues must be a secondary objective
- Monies collected are available for use without further appropriation
- Exception from revenue sharing provisions

Stewardship Contracting – Section (g) Monitoring,

- Pilot Legislation required project level monitoring on community involvement.
- New legislation required programmatic level monitoring on the roll of communities in stewardship contracting.

What stewardship contracting is not!

- A replacement for existing timber sale programs
- A mechanism to reduce the public's role
- A relinquishment of decision making authorities or management responsibilities

What Stewardship Contracting is!

- It is a tool to perform services to achieve land management goals
- Promotes active collaboration with local, rural, tribal and other groups
- Allows agencies to trade goods for services, retain excess offset values, enter into contracts or agreement until September 30, 2013, & to combine several contracts into one.

Stewardship Contracting Collaboration

- Definition – The art of working with others to identify and achieve outcomes
- You must be clear on what your expectations are going into collaboration
- Collaboration creates positive constituencies
- In good collaboration, deliberation is not rushed

Stewardship Contracting Collaboration

- In order for collaboration to work, you need line officer involvement and support
- Monitoring is used to assess how you are doing in collaboration
- The legislation does not require collaboration, but we need collaboration in most cases to make stewardship contracting a success

Stewardship Contracting

BLM and FS Implementation
Similarities & Differences

Full & Open Competition

- FS - Requires that Forest Supervisor document & submit to Regional Forester if desire to use less than full & open competition (63.1)
- BLM - Anything less than full & open competition will need to be documented & approved by the appropriate State Director. For National Fire Plan projects, they may be reserved for competition among small local entities or those willing to hire 50% or more of the project staff locally (Delegation of Authority 9/16/03)

Excess Receipts & Reviews - FS

- Will fund national programmatic monitoring
- Will not pay surveys, research, salaries, NEPA, overhead, sale preparation & administration
- WO includes stewardship contracting review as part of normal activity reviews starting in FY04

Excess Receipts & Reviews- BLM

- May fund local (i.e. volunteer stipend) as well as programmatic monitoring, & applied research
- Will not fund indirect costs, NEPA, overhead, administrative costs, & program planning, this includes surveys, salaries, site preparation & administration

Delegation - FS

- Project approval - Regional Forester approves all projects
- Regional Forester will delegate qualified individuals as Contracting Officers to sell & dispose of forest products
 - Procurement Contracting Officers
 - Timbersale Contracting Officers

Delegation - BLM

- Project approval - Currently Assistant Secretary for Lands Minerals Management approves projects. Could be delegated later to the field.
- Contract Approval
 - Service Contracts – Only those w/ Warrant Level III & IV in Oregon & National Business Center in Denver can approve stewardship contracts or agreements (C.5.a).
 - Timbersale Contracts- No delegation has occurred at this time.

Contract Type - FS

- One stewardship contract w/
 - * 2 templates -Integrated Resource Service Contract
 - service work value exceeds timber value.
 - Procurement CO will sign contract
 - *2 templates (Integrated Resource Contract for tree measurement,
 - timber value exceeds service value and no appropriations are involved.
 - Timber Sale CO will sign contract
- Interim contracts developed in Region 1

Contract Type - BLM

- The Field Offices are to use the most appropriate contracting instrument
- If the combined value of service and product exceeds \$100,000, the contracts must be prepared using the Performance Based Acquisition format
- Below \$100,000, either a service contract or an approved timber/vegetative sale form may be used. Typical descriptive contract language would be used as appropriate for the contract of the project

Performance Based Service Contract

- FS – will follow Federal Acquisition Regulations. No cap distinguishing when to use performance based service contracts for stewardship contracts
- BLM – All stewardship contracts over \$100,000 will be performance based service contracts and stewardship contracts under that threshold could be performance based. The total value of service + product value (stumpage). This is part of the delegation of authority.

Agreements

FS - Cooperator will match for appropriate agreement instrument used

- Partnership agreements included
- Cooperative agreements included

BLM – Cooperator will match for appropriate agreement instrument used

- Cooperative agreements included

Additional Guidance will be coming out when the agencies further explore the use of agreements.

Authority to sell & dispose of timber

FS - The new authority legislation exempts agency from NFMA requirement to advertise all timber w/ a value greater than \$10,000 and designation of timber sold by agency personnel.

BLM - The Minerals Material Act of 1947 or the O&C Act are the BLM's authorities to sell & dispose of timber. The Act did not change the authority under the various acts.

Price Adjustments

- FS – Contracts equal to or greater than 5 yrs in length may allow for price adjustment for the value of materials to be removed at the end of year 3 (draft).
- BLM – Left up to the line officer and the contracting officer. Prior to stewardship. BLM could not adjust price for forest products other than for extensions.

Monitoring, Evaluation & Reporting

FS - Will submit report annually to Congress by March 1st starting in FY04 (69.2)

- Programmatic monitoring of remaining projects; joint RFP w/ BLM on role of local communities.

BLM - No set date when agency will report annually to Congress, however we would expect to report at a similar time as the Forest Service.

BLM/FS Cooperation

- WO BLM & FS continue to work towards seamless implementation of the new authority.
- Both agencies guidance or handbooks were developed in concert.
- Forest Service and BLM may issue a joint stewardship contract in Colorado in FY04 that includes FS & BLM lands (700 acres on Saguache Field Unit, BLM, and 560 acres on Rio Grande NF).

Stewardship Contracting

For Stewardship Contracting to succeed. Collaboration must occur at many levels.

- Interdisciplinary
- Within the communities that we are a part of.
- Between agencies.

Stewardship Contracting

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implementation of the new authorities
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