



Forest Service  
U.S. DEPARTMENT OF AGRICULTURE

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## **Enclosure 1**

# **FOREST LEGACY PROGRAM**

**LAND & WATER CONSERVATION FUND PROJECTS  
PROPOSAL SUBMISSION PROCESS AND SCORING GUIDANCE**

**Updated March 2024**

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## **Introduction:**

The Fiscal Year (FY) 2026 project selection process for the Forest Legacy Program (FLP) will be competitive, merit-based, and coordinated by the Washington Office (WO). The Forest Legacy Program is funded through annual appropriations from the Land and Water Conservation Fund (LWCF). The outcome from this process will be a ranked and prioritized list of FLP projects for consideration in the President's Budget. This process is separate from the Inflation Reduction Act funded Forest Legacy (IRA FLP) process, which is outlined in a separate Call Letter and Scoring Guidance document. State and Region/Institute specific deadlines and processes must be followed in addition to the National due dates indicated below.

This document provides guidance to States and Territories (States) on how to submit project proposals to the US Forest Service for LWCF FLP funding consideration. Only designated State lead agencies are eligible to submit proposals. State agencies can partner with land trusts and other land conservation organizations to develop and implement projects.

This document also provides guidance to the National Review Panel for scoring and ranking of proposals for LWCF funding consideration. Projects will be evaluated according to National Core Criteria, project readiness, and other evaluation considerations outlined below. Applicants should use these criteria as a guide when developing and submitting project proposals.

This process supports current priorities outlined in [Executive Order 14008, Tackling the Climate Crisis at Home and Abroad](#) (2021):

- President Biden's challenge to conserve 30% of our lands and waters by 2030; and
- Justice40 Initiative, which focuses 40% of government-wide investments in disadvantaged communities.

## **Objectives of this Scoring Guidance:**

- Provide direction on process and eligibility requirements for FLP LWCF project funding;
- Provide a clear and defensible ranking process to distribute FLP LWCF funding; and
- Ensure fair, equitable, and thorough review of all projects by the National Review Panel.

## **Highlighted Revisions from FY25 Scoring Guidance:**

- Increase in the total number of projects that may be submitted by a state for funding consideration—a maximum of five projects may be submitted.
- Revisions to the Importance Section.
  - Clarifying the introductory and High/Medium/Low scoring language.
  - Listing *Tribal* as its own attribute, distinct from *Cultural/Historic*.
  - Adding *Benefits to Disadvantaged Communities* as an Attribute to Consider.
- Additional context around tribal relations roles/responsibilities and added requirement to document Tribal Nation(s) concurrence when a project's boundaries lie within or intersects the boundaries of a federal Indian reservation.
- Consolidation, reformatting, and reorganization of the entire document, including cross-references and a table of contents.

## **Project Submission and Evaluation Process**

### **Step 1: State Lead Agencies Submit Project Proposals to Region/Institute**

Due Date: September 13, 2024

*Note: Some Regions may have Region-specific deadlines earlier than the above due date. States should work closely with the Region to ensure all deadlines are met.*

States can submit up to five new projects for funding consideration, not to exceed a total of \$20 million. States can also re-submit up to three project proposals from the previous fiscal year (FY 2025) if not yet funded and if they are for the same tracts of land as previously proposed. (Note: Requested funding for “re-submitted” projects may be updated to reflect current market conditions, but project tracts must remain the same to be considered a “re-submission.”)

Each Region and the International Institute for Tropical Forestry (Region) should notify State Lead Agencies of this deadline and ensure all proposed projects are entered into the Forest Legacy Information System (FLIS) by the due date. The State Lead Agency is responsible for data entry and accuracy. The Region is responsible for reviewing and validating the information for each project.

States are encouraged to outreach and communicate with federal and state recognized Tribes, Alaska Natives, Native Hawaiians, and other indigenous communities, who may have cultural practices, beliefs, identity, sacred sites, or treaty rights that connect them to the project area. Tribes and indigenous organizations have been important advocates for and beneficiaries of many projects. Regions can assist States with Tribal outreach, communication, and collaboration.

For lands within or that intersect with the boundaries of a designated federal Indian reservation, the State must secure documented concurrence from the impacted Tribal Nation(s). Regions should also communicate and coordinate with Tribal officials in accordance with federal trustee responsibilities. For lands where multiple Tribes have interests and/or conflicting positions, the program will not serve as an arbiter of those intergovernmental conflicts.

### **Step 2: Regions Send Project List and State Matrix to Washington Office**

Due Date: September 23, 2024

By this date, each Region will send a letter to the Washington Office summarizing the projects proposed by each State and confirming each project meets the requirements listed below under “State Core Program Requirements”.

In addition, each Region will evaluate State compliance with core program requirements, status and amount of outstanding project grants, past performance, and project readiness to inform the National Review Panel ranking process. Regions will use the State Matrix (Enclosure 2) to summarize this information, and ensure all information provided is

accurate and complete. See Additional Considerations section below for details on how this information will be used during the panel process.

### **Step 3: WO Sends Project Briefs to the National Review Panel**

Date: October 11, 2024

The WO will compile all project briefs from FLIS for distribution to the National Review Panel. These documents will be the primary source of project information used by the National Review Panel to score and prioritize the projects. The package sent to panel members will include briefing sheets, regional project lists, and this Scoring Guidance document.

The National Review Panel will also receive the state-level information provided by each Region/Institute regarding core program requirements, outstanding funds, and past performance. This information will not be used by individual panel members for the initial scoring process but is considered by the full panel during the ranking process.

### **Step 4: National FLP Review Panel Meeting**

Date: November 20-21, 2024

The WO will convene a National Review Panel to review project proposals and develop a National Prioritized Project List. The panel will include Forest Service Washington Office representatives, Regional Forest Service representatives, and State Lead Agency representatives.

If the National Review Panel considers a significant change to a submitted project (e.g., project phasing, funding reduction, or selection out of state priority order), an attempt will be made to consult with the affected State. Regional and State Forest Legacy Program Managers should plan to be available during this timeframe to answer questions and provide information as requested by the National Review Panel.

### **Step 5: National FLP Project List Sent to OMB/Congress**

The final project list will be submitted to the Forest Service State, Private, and Tribal Forestry Deputy Chief for approval. The Deputy Chief will then work with the Forest Service Director of Strategic Planning, Budget and Accountability to provide the list to the Office of Management and Budget, as well as the House and Senate Appropriations Committees for budget consideration in accordance with current law, policy and direction.

## **Step 6: Region and States Implement Funded Projects**

Upon completion of the selection process, the Region will issue project-specific grants to States for funding in accordance with the final project list. The grant period of an award will be two years. All projects submitted by States to the National Review Panel are expected to be sufficiently ready to be completed within this timeframe and the submitting State is expected to have capacity to complete the projects within this timeline. States can request an extension beyond the two-year grant period if challenges are encountered and an extension is warranted, but those situations should be the exception, not the norm.

Upon receiving grant funding, states must demonstrate to the Region/Institute they have made substantial progress on required due diligence within the first calendar year after grant award and confirm they are on track to complete within two years.

For projects that were either phased or received reduced funding from the original proposal, the state will proceed with implementing the portion of the project it can complete with the appropriated FLP funds. States can seek additional funding in a future fiscal year for a phased project, but they are expected to implement the funded portion of the project upon grant award, and not wait for future funding.

Project briefs provided to the National Review Panel are expected to be an accurate representation of the property and of the interest to be acquired. During project implementation, any changes to the project size, configuration, or the estate presented for funding consideration can only be made with the approval of the Region in consultation with the Washington Office. For substantial changes, the Washington Office may seek review from the National Review Panel.

## **Project Submission and Evaluation Roles:**

### **State Lead Agency (States) Roles:**

- Conduct outreach to landowners, local communities, and Tribes to develop projects.
- Solicit project proposals in alignment with program goals and procedures identified in the State Forest Action Plan/Assessment of Need.
- Evaluate project applications for eligibility, quality, and readiness.
- Develop and submit proposals for national funding consideration with input from the State Forest Stewardship Coordinating Committee.
- Enter project data into the Forest Legacy Information System (FLIS) in coordination with the landowner and project partners, and ensure all information provided is accurate.
- State agencies can partner with land trusts and other land conservation organizations to develop and implement projects.

### **Regional Roles:**

- Work with State Lead Agencies to produce eligible, high quality, and “ready” FLP projects.
- Work with States to ensure the proposed project meets eligibility and other requirements.
- Review and validate information in FLIS for each project and confirm all project requirements have been met.
- Work with States to evaluate the State’s fulfillment of core program requirements.
- Communicate and coordinate with Tribal officials in accordance with federal trustee responsibilities.
- Provide the National Review Panel with information on each State’s capacity to undertake the proposed projects and compliance with core program requirements, status of outstanding grants, past performance, and project readiness using the State Matrix template (Enclosure 2). *This matrix should be prepared and submitted by USFS Regional FLP Staff.*

### **Washington Office Roles:**

- Work with Regions to produce highly competitive, and “ready” FLP submissions.
- Organize and convene National Review Panels.
- Ensure that project selections meet congressional direction and national program goals.

### **National Review Panel Roles:**

- Score projects using the National Core Criteria (Importance, Threatened, and Strategic).
- Develop a national list of ranked projects with recommended funding levels considering project scores, project readiness, and other evaluation considerations.

## **Project Requirements:**

All proposed projects **must** meet the following criteria:

- Complies with the [May 2017 Forest Legacy Program Implementation Guidelines](#), as amended (see *Part III – Project Eligibility and Selection*);
- Requested federal funds do not exceed \$20 million per state for new project submissions (1-5 projects per state), not including project re-submissions from FY2025 (*Note: Project “re-submissions” must include the same tracts that were submitted in FY25. Requested funding may be updated to reflect current market conditions, but project tracts **must** remain the same to be considered a “re-submission”*);
- The landowner(s) is willing to sell or donate the interest in perpetuity;
- Reviewed, evaluated and selected by the State’s Forest Stewardship Coordinating Committee and approved by the State Lead Agency;
- Consistent with the goals of the States’ Forest Legacy Assessment of Need as incorporated in the State Forest Action Plan;
- Located within a designated Forest Legacy Area;
- Project tracts have a minimum of 75 percent forestland, or a plan to reforest; and
- Sufficiently “ready” to be completed within two years of grant award.

States **must** provide the following information to the Region for each proposed project:

- The project’s priority rank, if indicated by the state (States may include priority ranking if more than one project is submitted, but it is not required);
- List of supporting tracts in order of priority, if applicable;
- Estimated total project costs (not to exceed \$20 million per state across 1-5 projects);
- Estimated non-federal cost-share, which must be at least 25 percent of the total project cost;
- Estimated costs of proposed FLP funding rounded to the nearest \$5,000;
- Project description in FLIS;
- Project map in FLIS;
- Written letters of concurrence for all concurring parties listed in the project proposal;
- Documentation supporting the comparative market analysis<sup>1</sup> and readiness score provided in FLIS;
- If the proposed project falls within the boundaries of a designated Federal

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<sup>1</sup> Comparative Market Analysis - For full fee acquisitions, estimate of market value based on recently sold, similar properties in an applicable market area. For conservation easement projects, an estimate of market value “as is” and an estimate of market value “as if encumbered with the proposed conservation easement” using comparable properties that are similarly encumbered. The difference between the “as is” and the “as if” market values would represent the estimated cost to acquire the conservation easement. If an appraisal has been recently completed for the subject property, then it can be considered as a data point for the market analysis along with other applicable market research. A market analysis does not need to be conducted by an appraiser. The market analysis will include information about who prepared it, the date of the market analysis, information used and the source of that information. This must be in writing, and it must be submitted to the Region before the submission due date.



management unit, a written letter of concurrence from the applicable Federal Official. This letter should be updated if the project is a re-submittal or continuing phase; and

- If the proposed project falls within or intersects with the boundaries of a federal Indian reservation<sup>2</sup>, written documentation affirming concurrence from the impacted Tribal Nation(s) is required. This documentation should be updated if the project is a re-submittal or continuing phase.

### **Project Descriptions:**

Project briefs must represent the property proposed for acquisition, not the attributes of a larger proposed project area, previously acquired phases or the general geographic area where a project is located. Attributes of a larger project may be discussed in the General Description and in the Strategic section.

Projects with multiple landowners must show these as multiple tracts within the project table and in the project map. A multi-tract project will be scored based on how all the tracts fit within the criteria. For example, if only one tract meets the highest point criteria, the project will not likely obtain the highest points.

If a project has multiple phases, the Review Panel will focus on evaluating the phase and associated tracts that are being proposed for the applicable fiscal year. Accordingly, the project proposal should be clear through all sections on the relative importance, threat, and strategic contribution of the tracts being currently proposed. If many different tracts are being proposed, then the project proposal should speak to the collective attributes of the group of tracts being proposed for the applicable funding year.

Project briefs provided to the National Review Panel are expected to be an accurate representation of the property.

All photos should include descriptions as well as credit information. States and project partners are granting the US Forest Service permission to use all photos uploaded into FLIS for program purposes with appropriate credits.

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<sup>2</sup> A [federal Indian reservation](#) is an area of land reserved for a Tribe or Tribes under treaty or other agreement with the United States, executive order, or federal statute or administrative action as permanent tribal homelands, and where the federal government holds title to the land in trust on behalf of the Tribe.

**National Core Criteria:**

The National Review Panelists will independently consider the Forest Legacy Program Core Criteria and score each project based on its alignment with the **Importance**, **Threatened**, and **Strategic** criteria.

**Importance** – This criterion focuses on the attributes of the property and the environmental, social, and economic public benefits gained from the protection and management of the property and its resources, now and into the future. This criterion reflects ecological assets as well as the economic and social values conserved by the project and its level of significance.

Significance of attributes is demonstrated by the quality, scope, and impact of the attributes, which may be illustrated through (but is not limited to) the following examples:

- Support of Federal Laws (such as Endangered Species Act, Safe Drinking Water Act, or Clean Water Act);
- Contributions to Federal Initiatives<sup>3</sup> or Federal Designations (such as Wild and Scenic Rivers, National Scenic Byways, National Recreation Trails, Justice40 Initiative, and National Historic Sites).

**Scoring** consists of evaluating a project for the attributes below and identifying a point score. More points will be given to projects that demonstrate multiple public benefits of significance.

- *High Importance (21-30 points)* – The project contains a majority of the attributes, and those attributes are high-impact and high-quality, or one or more attributes are exceptionally important.
- *Medium (11-20 points)* – The project contains multiple attributes which are high-impact or high-quality.
- *Low (0-10 points)* – The project contains only a few attributes, or it contains all of them, but they are of limited or marginal impact and quality.

*A project does not need to have all the attributes listed to receive maximum points for this category nor is it an exhaustive list of possible attributes. More points will be given to projects that exemplify a particular attribute or combination of attributes. The measure is the significance of the attributes discussed, not simply that there is an entry for each attribute.*

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<sup>3</sup> Discussion about how the project fits within a landscape conservation initiative should be included under the “Strategic” category and not in this section.

Attributes to Consider: The descriptions listed below represents the ideal project for each attribute. *These attributes are **not** listed in priority order – applicants may provide this information in the relative order of importance for the proposed project.*

- Economic Benefits from Timber and Potential Forest Productivity – This category includes three independent components: (1) Landowner demonstrates sustainable forest management in accordance with a management plan. Additional points should be given to land that is third party certified (such as Sustainable Forestry Initiative, Forest Stewardship Council, and American Tree Farm System). (2) Forestry activities contribute to the resource-based economy for a community or region. (3) The property contains characteristics (such as highly productive soils) to sustain a productive forest over time.
- Economic Benefits from Non-timber Products and Recreation – Provides non-timber revenue to the local or regional economy through non-timber forest products (maple syrup, pine straw, ginseng collection, etc.); recreation and tourism (local or regional benefits related to lodging, rentals, bikes, boats, outdoor gear, guided tours for fishing, hunting, or birdwatching, etc.); hunting leases; and/or ranching.
- Threatened or Endangered Species Habitat – The property has documented threatened or endangered plants and animals or designated habitat. Documented occurrence and use of the project area should be given more consideration in point allocation than if it is habitat without documented occurrence or use. Federally listed species should be given more consideration than state-only listed species when evaluating the significance of this attribute. See Attachment A for a glossary of terms for Threatened and Endangered species information.
- Fish, Wildlife, Plants, and Unique Forest Communities – The property contains unique forest communities and/or important fish or wildlife habitat as documented by a formal assessment or wildlife conservation plan or strategy developed by a government or a non-governmental organization. Contributions to international initiatives to support and sustain migratory species can be considered here if the property will make a significant contribution, e.g. the target species has been documented to regularly use the property during seasonal migration.
- Water Supply, Aquatic Habitat, and Watershed Protection – (1) The property has a direct relationship with protecting the water supply or watershed, such as providing a buffer to public drinking water supply, containing an aquifer recharge area, or protecting an ecologically important aquatic or marine area, and/or (2) the property contains important riparian area, wetlands, shorelines, river systems, or sensitive watershed lands. When allocating points consider the importance of the resource, the scope and scale of the property, magnitude and intensity of the benefits that will result from protection of the property. Merely being located within an aquifer recharge area or in a water supply area should not be given the same consideration as a property that makes a significant conservation contribution to water, riparian, and aquatic resources and habitats.

- Cultural/Historic – The property contains features of cultural and/or historical significance that are documented by a governmental or a non- governmental organization. A Federal designation should receive greater consideration.
- Tribal – The property provides meaningful benefits to Tribal and other indigenous communities, contains features or resources of cultural significance, and/or utilizes management techniques significant to Tribes (traditional ecological knowledge). Greater consideration should be given to projects that have been developed with active involvement and partnership with a Tribe, or where a Tribal organization has documented the importance of the property for cultural practices, resources, and benefits.
- Benefits to Disadvantaged Communities<sup>4</sup> – The property provides meaningful benefits for an identified disadvantaged community, as designated by a government-sponsored data tool (such as the Climate and Economic Justice Screening Tool).
- Public Access – Protection of the property will secure existing access, expand access, or establish new access by the public for recreation (including waterfront access); however, restrictions on specific use and location of recreational activities may be allowed. More consideration should be given to projects that expand or provide certainty of public access as a result of the proposed project.
- Scenic – The property is located within a viewshed of a government designated scenic feature or area (such as a trail, river, or highway). Federal designation should be given more consideration than state-only designations when evaluating the significance of this attribute.
- Carbon Sequestration/Climate Resilience, Adaptation to Climate Change<sup>5</sup> – Protection of the property will result in benefits related to climate resilience and adaption, and carbon sequestration.

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<sup>4</sup> The term **disadvantaged communities** is used in [Executive Order 14008, Tackling the Climate Crisis at Home and Abroad \(2021\)](#). A **community** is defined as “either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions.” The term **disadvantaged communities** refers primarily to the geographic location and economic, social, and political context in which a community resides. The relevant [Interim Guidance for Justice40](#), released by OMB in July 2021, provides further guidance and variables that may indicate whether a community is disadvantaged.

<sup>5</sup> Many of the elements in Importance relate to climate resilience and adaptation. For example, forest productivity, health, rare or unique plant communities where species range is discussed, and water resources. Landscape scale conservation and its impacts on resilience and adaptation are also discussed in Strategic. Carbon sequestration and management are important impacts of the program and of land conservation. The potential long term carbon management contributions may be best viewed as optimizing carbon sequestration among the host of values and services from conserved forest rather than a focus on maximization of carbon within a limited span of time. Sustainable carbon management results from effective conservation and management of ecosystems; maintaining, restoring and enhancing health and productivity. Forest Service General Technical Review-GTR WO-95 2017 [Considering Forest and Grassland Carbon in Land Management](#) provides a good discussion and overview of carbon as a consideration in forest management.

**Threatened** – This criterion estimates the likelihood for conversion. More points will be given to projects that demonstrate multiple conditions; however, a project need not have all the conditions listed to receive maximum points for this category.

During the evaluation of a threat, a landowner interested in conserving their land should not be penalized in allocating points because they are not marketing their lands, have not subdivided their land, or sought approval for a subdivision plan. Also, a property with an approved subdivision plan should not, without question, receive a high score in the Threatened section. The attributes outlined below must be considered to determine if the conditions exist to make conversion of a property likely and points should be allocated accordingly.

If the property has been acquired by a third party at the request of and/or with the support of the State, threatened will be evaluated based on the situation prior to the third-party acquisition.

In many cases the threat of conversion is fueled by residential or industrial development. However, this is not the only driver. Other types of conversion may include agricultural expansion, installation of wind or solar technology, or other uses that substantially remove or fragment forest cover. These other types of conversion may also be considered based on the degree of threat or how much of a given parcel is threatened<sup>6</sup>.

**Scoring** consists of evaluating a project for the attributes below and identifying a point score.

- *Likely (11-20 points)* – Multiple conditions exist that make conversion to non-forest uses likely.
- *Possible (1-10 points)* – A few conditions exist that make conversion to non-forest uses possible.
- *Unlikely (0 points)* – Current conditions exist that make conversion to non-forest uses unlikely.

Attributes to Consider: The descriptions listed below represent the ideal project for each attribute. *These attributes are **not** listed in priority order – applicants may provide this information in the relative order of importance for the proposed project.*

- Lack of Protection – The lack of temporary or permanent protections (e.g., current zoning, temporary or permanent easements, moratoriums, and encumbrances that limit subdivision or conversion) that currently exists on the property and the likelihood of the threat of conversion.
- Land and Landowners Circumstances – Land and landowner circumstances such as property held in an estate, age of landowner, interest of ownership and stewardship of property by heirs of current landowners is uncertain, property is for sale or has a sale pending, landowner anticipates owning the property for a short duration, landowner has

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<sup>6</sup> Discussion about which project attributes will be threatened if the project is converted should be included under the “Importance” category and not in this section.

received purchase offers, land has an approved subdivision plan, landowner has sold subdivisions of the property, etc.

- Adjacent Land Use – Adjacent land use characteristics such as existing land status, rate of development, growth, and conversion, rate of population growth (percent change), rate of change in ownership, etc.
- Ability to Develop – Physical attributes of the property that will facilitate conversion, such as access, buildable ground, zoning, slope, water/sewer, electricity, etc.

**Strategic** – This criterion reflects the project’s relevance or relationship to conservation efforts on a broader perspective considering scale, location, and relative contribution to landscape scale conservation goals.

**Scoring** consists of evaluating a project for the attributes below and identifying a point score.

- *High (21-30 points)* – The property makes an exceptional strategic contribution to multiple attributes.
- *Medium (11-20 points)* – The property makes a substantial strategic contribution to one or more of the attributes.
- *Low (0-10 points)* – The property makes a modest strategic contribution to one or more of the attributes.

The submitted project map should support this category and it is important to make sure the text and map are consistent. See Recommendations and Best Practices for the Project Brief Map.

Attributes to Consider: The descriptions listed below represent the ideal project for each attribute. *These attributes are **not** listed in priority order – applicants may provide this information in the relative order of importance for the proposed project.*

- Conservation Initiative, Strategy, or Plan – How the project contributes to either an existing or new conservation initiative, strategy, or plan. Describe the relative contribution of the property to achieving the conservation goals of the plan, strategy, or initiative considering scale, location, and project attributes. Conservation plans that have been formally designated by a governmental, tribal, or non-governmental entity should be given more consideration. Contributions to a new strategy or a strategy under development may also be discussed. This can be useful if a project would contribute to, or catalyze, a new conservation initiative, strategy, or plan. For new initiatives, specific goals should be defined and potential contributions of how the project advances those goals should be highlighted.

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- Complement Protected Lands – How the project is strategically linked to or enhances already protected lands, including past FLP projects, public lands (Federal, State, or local), or private lands conserved through permanent easements. Provide specifics on how the proposed tracts connect to and maintain landscape-scale benefits, e.g. ecological resilience, wildlife migration, watershed function, and scenic viewshed integrity.
- Benefits to Disadvantaged Communities – How the project benefits a disadvantaged community (as defined in the Importance section) and strategically contributes to local, state, or federal environmental justice initiatives (such as Justice40).
- Other Landscape Scale Goals and Public Benefits – How the project strategically contributes to the advancement of larger scale conservation goals and public benefits. Examples could include but are not limited to:
  - Climate resilience and mitigation;
  - Reduced community impacts from wildfire, floods, invasive species;
  - Expanded public access; and
  - Protection of critical water supplies.

Provide specifics on the project's contributions to the larger scale goals and benefits.

**Additional Considerations:**

The following items will be considered by the National Review Panel when developing the final list of ranked projects and associated funding levels, and not by the individual panel members when scoring projects.

1. **Core Program Requirements:** The National Review Panel may remove a project from consideration if a State is deficient in core program requirements. Regions may also choose not to submit projects for consideration for those States with deficiency in core program requirements. *See State Core Program Requirements below for more details.*
2. **State Priority Ranks:** States may include priority ranking if more than one project is submitted, but this it is not required. For projects with multiple tracts, states can choose to prioritize these tracts as applicable. The National Review Panel is not bound by a State's priority ranking of projects. If the National Review Panel ranks projects out of a State's priority order, then the panel will call that State to discuss the situation. However, the panel will not move a lower ranked project up the list to maintain the State's priority ranking.
3. **Outstanding Grant Funds:** The National Review panel will consider outstanding project grant funding in determining ranking and funding recommendations. Outstanding grant funding information will be pulled from FLIS on November 12, 2024<sup>6</sup>. In addition, Regions will provide additional details and explanations for outstanding grants and projects on the State Matrix.

The National Review Panel will give additional attention to projects from States that have no outstanding grant balances, have not recently received funds, or are competing for the first time.

States with outstanding grant funding that is three years or older (FY 2022 or older obligated grant funds) may not be placed highly on the prioritized project list. Regions may provide rationale (in the State Matrix) for considering projects when extraordinary circumstances exist for a State with three year or older obligated grant funding.

States with significant outstanding funds and/or multiple outstanding projects/tracts, regardless of age, may have their projects placed lower on the prioritized project list. For States with any outstanding grants in any amount, the Region should confirm (in the State Matrix) that the State has sufficient capacity to successfully undertake these additional project grants and can complete the new proposed project(s) within the required timeline.



Each Region/Institute should provide the following information about outstanding funds<sup>7</sup>:

- a. List of open project grants, dates of grant awards, and amount of unspent funds (current as of the date of reply);
  - b. Unprocessed de-obligations or imminent project closings that will reduce a state's outstanding balance;
  - c. Information on the reasons and circumstances for projects still outstanding after three years (FY2022 funding or older); and
  - d. Confirmation and supporting details of the state's capacity to undertake the proposed new project grants in addition to outstanding projects.
4. **Readiness and Performance:** The National Review Panel will closely evaluate and consider readiness and performance data for all projects. This information will be used when prioritizing projects, recommending funding levels for projects, and evaluating second and third projects for a State.

For this consideration, the Panel will use the following data<sup>8</sup>:

- a. Project readiness score as tallied in FLIS (*see **Project Readiness below***);
- b. Average time to close projects for the last three projects (from FLIS).
- c. Amount of funds leveraged for the proposed project (from FLIS);
- d. Average funds leveraged for the last three completed projects (from FLIS).

This data will be pulled from FLIS on November 12, 2024. The Region should provide additional details and explanation on the State Matrix for past projects that exceeded 24 months to complete. The National Review Panel will apply a higher degree of scrutiny to readiness and past performance the larger the proposal funding request.

*See below for more details on **Project Readiness elements and scoring.***

5. **Climate Resilience:** The National Review Panel will be provided a climate resilience score for each proposed project based on geospatial alignment with [Resilient and Connected Landscapes](#) data developed by The Nature Conservancy. The National Review Panel may use this information when determining ranks for projects with similar scores. Note: This national dataset does not currently cover Hawaii or any of the

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<sup>7</sup> Updated data on outstanding funds will be pulled from FLIS as late as is practical to ensure the most current data is considered during the National Review Panel discussions. Planned for November 12, 2024.

<sup>8</sup> A project readiness score will be included as part of the Project Brief pulled from FLIS following submission to the WO on or before September 23, 2024. The remaining performance data will be pulled from FLIS as late as is practical. Planned for November 12, 2024.

territories. These States/territories can provide supplemental information through the Region to demonstrate contribution to climate resilience and connectivity.

6. **Disadvantaged Communities:** The National Review Panel will be provided with a geospatial analysis for each proposed project using the [Climate and Economic Justice Screening Tool](#). The National Review Panel may use this information when determining ranks for projects with similar scores.

**State Core Program Requirements:** Prior to project submissions, each Region will evaluate and confirm the State's fulfillment of the following core program requirements. States that do not meet these requirements may not be eligible for submitting project proposals to the National Review Panel or may have their projects removed from consideration during the panel process.

1. Completed baseline reports for all closed conservation easement tracts;
2. Completed forest stewardship plans or multi-resource management plans for all closed tracts;
3. Developed, and is adhering, to written conservation easement monitoring policies and procedures;
4. For conservation easement tracts, conducted annual monitoring for all closed tracts and recorded information in FLIS;
5. For fee simple acquisition tracts, conducted five-year self-certification that management of tracts meets program purposes;
6. Addressed, or is in the process of addressing, all major conservation easement violations, and has recorded information in FLIS;
7. Implemented a record keeping protocol for all FLP tracts;
8. Developed, and is implementing, an action plan to address recommendations in State Program Review;
9. Developed, and is implementing, an action plan to address recommendations in Quality Assurance Inspection, and;
10. Is up-to-date on grant reporting requirements (project and administrative).

Prior to the due date, Forest Service WO and Region program staff will discuss any identified deficiencies to ensure consistent treatment of States' projects and will share the outcome with the State. We expect that the Region will work closely with the State to address deficiencies ahead of the national review process. States that are working to remedy deficiencies may still be allowed to submit project proposals if there is a written plan in place to meet the core program requirements in a timely manner.

In the rare case that a Region identifies persistent deficiencies in core program requirements, the Region may choose either to not submit the State's projects for consideration or notify the

Washington Office that the State's projects should not be reviewed and ranked by the National Review Panel.

**Project Readiness:** To demonstrate project readiness, completed due diligence items need to be specified (including completion date) in FLIS and credit will only be given to those items completed and documented (one tally for each completed item, with a minimum of one and maximum tally of five). Multi-tract projects must have the readiness task completed for a majority of the tracks being proposed for the given funding year before an affirmative tally is given. The larger the proposed funding request, the higher the degree of scrutiny that will be applied by the National Panel during review.

The State must provide documentation to the Region demonstrating completion of each of the below items to support the readiness score shown in FLIS. Readiness scores can only be counted in the affirmative for items completed by the national deadline, as outlined in [Step 2](#).

Where applicable, a Region can provide updated readiness scores to the National Review Panel if additional items are completed before the panel convenes.

1. Draft conservation easement/deed language, or other comparable documentation, specific to the proposed project that demonstrates landowner and State agreement on easement or fee provisions including the requirements in the [Implementation Guidelines](#) (see *Section 14 – Conservation Easement Language* or *Section 15 – Fee Simple Purchase Deed Language* for specific examples).
2. Cost share commitment has been obtained from specified source(s) and documented through funding commitment letters<sup>9</sup>, bargain sale agreement with landowner, etc.
3. A signed option or purchase agreement is held by the State or at the request of the State **OR** at the request of the State, fee title has been pre-acquired by a third party.
4. Title search has been completed and reviewed, including identifying any temporary or permanent protections and reviewing whether existing encumbrances impact project eligibility.
5. Minerals rights have been evaluated through a title search and/or other research **AND** if rights are severed, then a minerals assessment and determination of remoteness has been completed.

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<sup>9</sup> Letter of Commitment – Signed letter that indicates the signatory's commitment of resources to the proposed project should federal funds be awarded.

## **Appendix I: Endangered and Threatened Species Glossary of Terms**

One of the elements in the Importance section of Core Criteria used to evaluate Forest Legacy Program proposals is the presence of documented threatened or endangered plants and animals or designated habitats and wildlife corridors on the tracts being submitted for consideration (Threatened and Endangered Species Habitat). Forest Legacy Program applicants often use a mixture of federal and state laws and plans, as well as international and non-profit resources, to highlight threatened and endangered species that are found within the project area. The purpose of this document is to provide a guide for panel reviewers to understand the different categories and terms that applicants might use in this section of the proposal, and what the full scale looks like under each category so the National Review Panel can evaluate the proposals more consistently.

### **Federal Level (Endangered Species Act)**

#### **United States Fish and Wildlife Service and National Marine Fisheries Service**

(Vertebrates/Invertebrates Animals, Flowering/Non-flowering plants)

- Endangered
- Threatened
- Proposed
- High Candidate
- Low Candidate

#### **Forest Service**

- Sensitive
- Species of Conservation Concern

### **State Level**

#### **Species of Greatest Conservation Need (SGCN) in State Wildlife Action Plans (SWAP)**

- Endangered
- Threatened
- Species of Concern

### **International Level**

#### **International Union for Conservation of Nature**

- Extinct in the Wild
- Critically Endangered
- Endangered
- Vulnerable
- Near Threatened
- Least concern

## **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

- Appendix I – species threatened with extinction and prohibition on international trade
- Appendix II – species may become threatened and trade is closely controlled
- Appendix III – species included at request of State parties that regulate trade in the species

### **Non-governmental Organizations**

#### **NatureServe**

- G1 – Critically Imperiled: At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
- G2 – Imperiled: At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
- G3 – Vulnerable: At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.

#### **Audubon**

##### Important Bird Areas (IBA) Priority Levels

- Global – Highest priority and globally important
- Continental – High priority
- State – Priority for the state

#### **The Nature Conservancy**

##### Resilient Lands – places that are most climate resilient and will retain high quality habitat

- Far above average
- Above average
- Slightly above average
- Average
- Far below average
- Slightly below average
- Below average

##### Connected Landscapes – climate corridors and movement zones to facilitate species range shifts

- Climate corridor – high amounts of flow become concentrated in relatively small channels or pinch points
- Climate flow zone – intact natural areas where high amounts of flow can spread-out and expand in many directions

## **Appendix II: Recommendations and Best Practices for the Project Brief Map**

The following are observations and recommendations related to maps that are part of a Forest Legacy Program project application. These recommendations are the result of feedback from previous members of the National Project Review panel over multiple years. Following these recommendations on how to improve a map is not a requirement; these are suggestions to help in the development of a competitive application.

- **First impressions matter:** Many reviewers have indicated that the map was the first item they reviewed on a project brief. If the map was difficult to read, reviewers became confused from the outset about why the project was important, threatened, or strategic.
- **Tell the same story:** It is important to ensure that the project brief content and the map tell the same story and that the story is accurate (e.g., if a proposed tract is being highlighted for its public recreation amenities and none of those amenities are identified on the map, then it is difficult for reviewers to give you full points for that attribute).
- **Style suggestions:** The information portrayed on map should be clear, concise, and easy to read. Some map style suggestions are below:
  - Reserve bright colors for project area and other FLP areas (e.g., highlight the proposed FLP project tracts in a color that stands out).
  - Other projected lands are easy to spot as saturated earth tones (e.g., gradient shades of green to differentiate federal, state, and privately conserved land).
  - The map is easier to analyze if the base map is light gray or a neutral color, so it does not distract from the map message.
  - Label FLP tracts on the map with the year funded, proposed, or completed.
  - Do not clutter the map with unnecessary labels (e.g., local roads that don't pertain to navigation to the property or a landmark).
  - Be consistent with tract names/labeling. The map should use the same tract labels as they appear in the table on the first page of the project brief and/or referenced in the text.
  - Scale the project map to show how the project tracts fit into the area's conservation landscape. If the map is too localized, reviewers cannot understand how it ties to other conserved land. Conversely, if the map area is too large, it may be difficult to see what is adjacent to the proposed tract. Consider including a regional inset map to show where the project area is located within the state and to highlight conserved land nearby.