

## **Taos Soil & Water Conservation District Forest Health Program Information**

Taos SWCD's (the "District") Forest Health Program can be used for technical/cost-share assistance towards natural resource projects that positively impact forested land within the District's service area. The District's service area includes all private land located in Taos County, excluding lands located within the Town of Taos. Additionally, the District does not cost-share on projects located on public or tribal lands, though it does occasionally provide technical assistance if it is determined by the District that the technical assistance will positively impact private land located within the District's service area.

This program is intended to improve overall forest health and no guarantee is made as to the prevention of forest fires. It is not intended to assist landowners with landscaping beautification projects with selective tree thinning. Also, the District does not participate in the removal of trees that pose a structural hazard (may fall on a structure when cut). Approved projects will receive treatment plans that conform to national defensible space and forest health standards, regardless of view aesthetics. Individual landowners who have participated in any of the District's cost-share programs must wait at least one full year before they are eligible to apply for assistance again.

Applications for the Forest Health Program are accepted in-person, via US Mail, or email when the District office is open during regular business hours. The District has two batching periods (July 1 to December 31 is referred to as Batching Period 1 for that fiscal year and January 1 to June 30 is referred to as Batching Period 2). Applicants intending to complete the work themselves must indicate that on their applications. Completed applications are reviewed during the six (6) months following the end of the Batching Period where the completed application is received. All Forest Health Program applications are first reviewed for completeness and eligibility. Eligible applicants are then contacted by the District's forester (a licensed, professional forester contracted by the District) to set up a site visit. During this site visit, the applicant must be present to identify property boundaries and discuss potential project size. The District forester will also assess the current condition, accessibility, density of the forestland, identify proximity to potential ignition sites and nearby residential structures, and assign a forest hazard ranking. Applicant availability during this review stage is essential and required. Two attempts will be made to contact the applicant. If the District forester does not receive a response within thirty (30) days of the second attempt to contact, the application will be filed as non-responsive and the applicant will be required to submit a new application if they would like to be considered for cost-share assistance. Occasionally, the District receives more applications than can be viewed in the six (6) month window following the end of the batching period. In those cases, the District will attempt to complete the review as soon as possible. Once all Forest Health Program applications for the Batching Period are reviewed and visited, the District forester will present them to the elected Taos SWCD Board of Supervisors for funding consideration.

Approvals, denials, and allocations are determined by the Board of Supervisors and their decision is based on the District forester's fire hazard ranking, available budget, number of acres and/or landowners a project will benefit, ingress/egress safety of the surrounding community, landowner readiness and responsiveness, the overall number of applications received, and project feasibility. If approved, Forest Health projects are restricted to a maximum allocation of \$4,500.00 per project and the amount allocated will vary based on individual circumstances and District forester estimates and recommendations. There is no minimum or maximum acreage to qualify for this Program, but the average project size is one (1) to two (2) acres and has received a "high fire hazard" ranking from the District forester.

On occasion, the Board of Supervisors may, at its sole discretion, determine that extenuating circumstances warrant a Special Project classification and they may assign a project allocation that exceeds the above described maximum allocation. When Special Project classification is assigned, the relevant board meeting minutes will note the extenuating circumstances that led to that classification.

After the Forest Health applications are reviewed by the Board of Supervisors, applicants will receive a letter (via USPS Certified Mail) indicating whether their application has been approved or denied. Some projects may be approved for Technical Assistance Only meaning that the District can provide technical assistance but the applicant must cover implementation costs on their own. If an application has been denied, the applicant may (within thirty (30) days) submit an appeal to the Board of Supervisors. This happens on occasion when an applicant feels that the District may not have been aware of relevant information that could possibly elevate the potential project's priority rating.

If an application is approved, the applicant is considered by the District to be a "Cooperator" and must call the District to schedule an Orientation meeting. The Orientation meeting is a group meeting that includes a program overview and allows Cooperators to sign necessary paperwork to get their projects started. Orientations must be scheduled within thirty (30) days of the date on the approval letter but the meeting (after scheduled) can take place beyond the thirty (30) day window. Orientation meetings are required only once (they were implemented in 2018) so if a Cooperator has already attended one Orientation, they will need to schedule a meeting with the Finance Manager (within the same thirty (30) day window) to discuss any program changes and sign necessary paperwork. This necessary paperwork includes (among other acknowledgements and releases) an IRS Form W-9 because District payments to Cooperators are considered to be taxable income. The District will issue a 1099 to the Cooperator following the calendar year that the Cooperator is paid for the project.

Once the Cooperator attends an Orientation (or Finance Manager meeting) and their required paperwork is complete, their project will be categorized as "ready for a Treatment Plan". Cooperators who are "ready for a Treatment Plan" will need to wait for District forester availability and are encouraged to check with the District periodically for a status update on their project. When the District forester is available, the Cooperator will be contacted to schedule a visit at the project site and the District forester will begin to prepare the Treatment Plan. The District forester will mark the perimeter of the approved project area (with survey flags), mark trees for thinning within that area (by paint-marking either the leave trees or the take trees), and prepare a written Treatment Plan with a blank Itemized Bid Form for contractors to fill out. Because the District forester's Treatment Plans must adhere to national standards for forest health, it is important to let him know of any "special" tree(s) that you are hoping will remain so he can assess whether it/they can be worked around or if it/they will need to be cut to achieve the required standards. This District forester visit is an excellent time learn about forest health on your property with an expert! The District will not cost-share a project that deviates from the Treatment Plan without prior approval from the District forester so Cooperator involvement in the preparation of this Plan is essential.

Once a Treatment Plan is prepared, the District forester will submit the Treatment Plan and Itemized Bid Form to District Staff. District Staff will then contact the Cooperator to schedule a meeting to review the Treatment Plan and review upcoming timeline requirements. The Cooperator will be given the final Treatment Plan, a blank Bid Form specific to their project, a list of contractors who do this kind of work (though using that list is not required), and a Contractor Contact Log. It is important to note that the contractors on the list have not been inspected or vetted by the District and the District does not endorse any private sector individual. Landowners must do their own investigation when contacting a contractor, including finding out whether or not that contractor is insured. It is also important for Cooperators to understand that contractor(s) will be working for the Cooperator, not the District. The Cooperator is required to attempt to obtain at least three bids for implementation of their project. The Cooperator will use the Contractor Contact Log to keep a record of contractors they have attempted to get bids from with details including name of contractor, date(s) contacted, contact method, and whether the contractor was unreachable, didn't respond, or declined to bid. The Cooperator will have thirty (30) days to submit the three bids to the District for award. If the District is satisfied that a Cooperator has demonstrated sufficient effort to obtain three bids but three bids were not obtained, the Taos SWCD District Manager or the District Manager's designee, may approve an award with less than three bids. The Contractor Contact Log will be kept in

the project file as justification for award with less than three bids. The bids must indicate that the work will be complete within an eleven (11) month window (beginning when the Treatment Plan is given to the Cooperator). The District will cost-share the lowest responsible bid received at a rate of 85%, up to the project allocation assigned with the project was approved. If the landowner elects to hire a contractor who did not submit the lowest responsible bid, the District still only cost-shares the lowest responsible bid at a rate of 85% up to the project allocation and the difference in cost must be covered by the Cooperator. District staff will check with the Cooperator to track project progress periodically. The Cooperator will be responsible for payment(s) to the contractor.

If a Cooperator possesses the ability to undertake a project on their own, they may request a meeting with the Finance Manager to discuss the possibility of doing the work themselves. If the Finance Manager approves this, the Cooperator will be required to sign an additional liability release and various acknowledgments related to the project. When a Cooperator performs the work themselves, the District cost-share amount will be limited to 85% of the project cost as documented in a Work/Expense Log form supplied by the District (up to the project allocation approved by the Taos SWCD Board of Supervisors). Cooperator labor expenses are limited to \$25/hour. Other allowable expenses include fuel and saw oils (submission of receipts during project time-frame are required for reimbursement). The purchase of any kind of equipment is not an allowable expense. The Work/Expense Log documents the Cooperator's days/hours worked and allowable expenses incurred and must be signed and submitted prior to payment.

Once the project has been completed, the Cooperator must contact the District to request an inspection. The District will notify the District forester who will contact the Cooperator and/or contractor to schedule an inspection. If the District forester deems the project completed to specification, he will submit a Final Inspection Form with recommendation for payment directly to the District's administrative staff. The District Administrative staff will then prepare project close-out documentation and issue the Cooperator a check for the amount allocated when the project was approved. Cooperators are required to sign an acknowledgment that indicates that they are satisfied with their completed project before the project payment is released from the District.

Cooperators are responsible for any ongoing maintenance and liability related to natural resources projects cost-shared by the District.