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Subject: Funding Guidance for DOT Easements

To: Forest Supervisors

We work with The Federal Highways Administration (FHWA) and the California Department of Transportation (CalTrans) on numerous road projects in the region. Our ability to fund Forest Service participation in the planning, environmental review, and implementation of those projects is limited. In several cases we have been able to develop collection agreements with both agencies so that our review would facilitate meeting the project schedule. We'd like to build on those successful efforts by following the attached guidelines. The guidelines outline some basic scenarios that describe when cooperative funding may be appropriate, and when appropriated funds should be used. The guidelines also address the use of our special use cost recovery authority when applicable.

Our staff in the Regional Office will be sharing these guidelines with FHWA and CalTrans at the state level. Please consider these guidelines when you work with FHWA and CalTrans on your units. If you have any questions on these guidelines, please contact Acting Lands Special Use Coordinator Nancy Fleenor at 707-562- 8971, or Roads Operation and Maintenance Engineer Bill Fodge at 707-562-8877.

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Guidance for Cooperative Funding and Cost Recovery Associated With U.S. Department of Transportation Road Projects

Forest Service funding to participate in various highway projects is extremely limited. A major road project requires significant input from forest engineering and resource staff that is not covered by the Forest Service's current program allocations. The following guidelines suggest ways to use cooperative funding, minimize the impact on program dollars, and utilize the Forest Service's special uses cost recovery authority when appropriate.

Easements Granted by the U.S. Department of Transportation (DOT) (FSM 2731)

The Federal Highway Administration (FHWA) and local public road authorities such as the California Department of Transportation (CalTrans) are lead agencies for interstate and other Federal Aid Highway projects authorized on National Forest System (NFS) lands by an easement granted by DOT. Local public road authorities also play a key role in the Forest Highway Program. Road easements granted by DOT across NFS lands are not special uses and are not subject to the Forest Service's cost recovery regulations. The Forest Service participates as a cooperating agency in environmental analysis for the road project, issues a letter of consent for the proposed project, and monitors project implementation to ensure Forest Service stipulations included in the easement are met. In many cases, special use permits are issued for temporary occupancy of NFS lands for non-highway purposes (such as for areas where materials are stored or unloaded). Use the following guidelines to determine when cooperative funding or cost recovery is appropriate for specific projects.

Forest Highways. These roads are a subset of roads authorized by easements issued by DOT to local public road authorities. FHWA designates certain public roads managed by local public road authorities to be part of the Forest Highway System (FSM 7740). These roads provide a vital connection between the forest transportation system and the primary and secondary state transportation routes. Most of these roads are funded with FHWA appropriations. Like other road easements granted by DOT, easements granted for Forest Highway System projects are not subject to the Forest Service's cost recovery regulations. The general guidelines for road easements granted by DOT apply to these projects. Use HTAE funds to pay for forest highway projects if cooperative funding is not available.

Environmental Analysis. Cooperative funding may be appropriate if Forest Service staffs are providing resource information and document review. Without cooperative funding, Forest Service participation will generally be very limited.

Letter of Consent. Based on the environmental documentation prepared by the lead agency, Forest Supervisors recommend to the Regional Forester whether to consent to granting an easement for the project, and if so, the stipulations that should be included in the easements to protect NFS lands and resources. The Regional Office Lands Staff prepares a draft letter of consent for Regional Forester signature. This work should be paid for with NFLM funds.

Project Monitoring. Cooperative funding may be appropriate on a limited basis for Forest Service staff to review plans and monitor implementation of stipulations associated with protection of NFS lands and resources. The Forest Service is not responsible for and should not expend appropriations on administration of the construction contract.

Special Use Permits for Temporary Use. Applications for these associated special use permits, which are issued to CalTrans and other local public road authorities, are subject to cost recovery. Although local public road authorities qualify for a waiver of cost recovery fees, limited special use program funding may cause delays in processing the applications if waivers are granted.