

MEMORANDUM OF UNDERSTANDING ON PROCEDURES
RELATED TO HIGHWAYS OVER
NATIONAL FOREST LANDS

Parties to Agreement: The State of Wisconsin, Department of Transportation, hereinafter called the "State", and the Regional Forester of Region 9 (Eastern Region), United States Department of Agriculture, Forest Service, hereinafter called the "Forest Service".

Purpose: The purpose of this agreement is to establish terms and conditions acceptable to the parties hereto, for the cooperative planning, design, construction, maintenance, signing, access, right-of-way acquisition and other matters related to State Highway use and occupancy of National Forest lands.

It is mutually recognized that:

The State is responsible for planning, designing, construction, and perpetuation public highways of the State Highway System for the safety and benefit of the using public, and

The Forest Service is responsible for the protection and multiple use management of National Forest lands and resources for the use and benefit of the people of the United States, and is vitally interested in the development of a public highway system which will integrate with other Forest transportation facilities and provide access for use and enjoyment of the National Forests, and

The Forest Highways are an integral part of the System of roads in the State, and

Forest Service authorization is required to use National Forest lands for highway rights of way, waste areas and material sources for highway construction and maintenance, and

Many National Forest access, development, and administration facilities are appurtenant or adjacent to public highways, and the Forest Service will need to confer with the State before developing physical improvements which may have an effect on highway administration, and

Lack of advance coordination and full understanding can result in differences which are often costly and time consuming to reconcile, and

Avoidance of unnecessary duplication of efforts by the State or Forest Service is in the public interest, and

The Forest Supervisor of the appropriate National Forest is the Forest Service representative and will function as the contact for all coordination and correspondence with the State. The District Director of the appropriate Highway District is the State representative and will function as the State contact for coordination and correspondence.

Nothing in this agreement is to be construed as conflicting with existing laws, regulations, and prescribed responsibilities.

In recognition of the foregoing, the State and the Forest Service mutually agree as follows:

General: The State will meet no less than once each year with the Forest Service to discuss proposed highway work across National Forest lands.

For purposes of convenience the State will serve as the lead agency in developing, constructing, operating and maintaining public highways on the State Highway System. In addition, the State will coordinate development of other highways involving Federal Highway Funding.

Investigation: Based on what is already known about a problem area, the State will submit a one-page document, called the "Concept Definition Report (CDR)", to inform the Forest Service about the project location, the justification for establishing the project and the basic project concepts of what is being proposed within National Forest lands. The State will notify the Forest Service of any Operational Planning Meetings (OPMs) for projects potentially affecting Forest Service Land. The Forest Service will respond by:

1. Acknowledging receipt of the CDR indicating that no further involvement is necessary unless the project concepts change (minor projects);

2. Acknowledging the CDR with specific comments which will be resolved prior to design approval (non-complex projects); or
3. Attending the OPM by which the State and the Forest Service will determine a schedule of operations and responsibilities to assure that the needs and requirements of both agencies can be fulfilled (major projects).

For projects entirely within existing highway rights of way and which are considered by the Federal Highway Administration to be categorical environmental exclusions, the exchange of conceptual information will complete coordination between the State and the Forest Service, except that the Forest Service will be invited to the preconstruction conference.

National Environmental Policy Act: The National Environmental Policy Act (NEPA) requires all federal agencies and their agents to evaluate and disclose environmental impacts of their actions. This environmental evaluation process often involves several agencies. It is the intent under the Council of Environmental Quality (CEQ) regulations for a project to be evaluated one time comprehensively by a designated lead agency. Because highways are a charged responsibility of the Federal Highway Administration and their companion state Department of Transportation, it is reasonable to expect the sponsoring agency (Wisconsin DOT) to coordinate and complete the environmental process consistent with all state and federal CEQ regulations.

The role and level of involvement of the Forest service will vary dependent upon the scope of the proposed action. Most projects will be confined within the limits of existing road rights of way and easements. This work will have minimal off-site impact and minor influence on the management program of the Forest Service. A basic coordination level for is required for this type of action.

Projects that entail new work on new right of way or easements for encroachments on Forest Service land need a greater review and more detailed documentation by both the DOT and the Forest Service. Since the highway project is the proposed action triggering the environmental review process, it is reasonable to use the DOT environmental document for NEPA compliance. Because the Forest Service is required to conduct a forest management plan evaluation of the proposed highway action, it is appropriate to document the review process and conclusions independently and attach these to the DOT environmental document by appendices. A key element to be included by the Forest Service is a specific statement of significance in regard to potential Section 4f lands. This procedure would allow both agencies to fulfill their obligations in their own documentation formats, yet tie the coordinated reviews in a single NEPA document consistent with CEQ guidelines.

Section 4(f): For a highway project funded with Federal aid, the Federal Highway Administration (FHWA) is required to make a determination, before giving approval, regarding the potential acquisition of recreational and other types of lands (such as wildlife and waterfowl refuges, and historic sites). These lands are collectively referred to as "4(f) lands". Before making its determination, FHWA is required to contact the agency responsible for the 4(f) land for information on the significance of the land for the recreational or other protected [4(f)] and non-protected [non-4(f)] uses. Therefore, the Forest Service will provide a letter to WisDOT (for use by FHWA), which provides a statement on the significance of the 4(f) lands for any 4(f) uses and a detailed description of the kind and amount of uses occurring on this land. FHWA will use the information provided to make a determination on:

1. The significance of the subject land for recreational or other protected uses, and,
2. The significance of non-protected uses of the subject land, such as timber management or other resource extraction.

FHWA will also use this information to determine if a situation of multiple use exists. The letter from the Forest Service will also include the following statement: "This determination was made by a responsible Federal official's review of the following documents which are on file in the Office(s) of Forest Service". (List each document reviewed.)

Annual Coordination: To facilitate this coordinated process it is desirable for the two agencies to meet annually to review pending proposed projects and develop mutually acceptable work schedules and document needs. Staff assignments can be developed to meet both agencies' schedules and needs. Coordination of this meeting should be initiated by the DOT. A summary of meeting accomplishments should be prepared and shared between participants.

Conflict Resolution: It is reasonable to expect that from time to time a conflict may arise that is not readily resolved at our local field office level. Either agency may request a higher level review of any issue it warrants appropriate to the next higher responsible office. This should be viewed constructively and not impair the objectivity, mission, or working relationship of either agency.

Determination: The State will furnish the Forest Service with a Study Report, except as state above under Investigation, presenting the major aspects and design components including:

1. A synopsis of project history, with emphasis upon significant decisions and actions, environmental documentation, reports and approvals that have occurred through the project development.
2. A description of the alternatives and design features considered.
3. A summary and analysis of views received.
4. The proposed essential design elements such as the number of lanes, access control features, right-of-way requirements, and traffic control measures during construction.
5. An approved design.

If so determined at the OPM, the State will furnish the Forest Service with preliminary plans to permit input into needed points to National Forest lands.

While still in the preliminary design stage, the Forest Service will advise the State of any recommended changes in design. At this time the Forest Service will:

1. Provide information on probable limits of fire season, inherent fire hazards, fire prevention and control requirements, and request information on possible use of contractor's forces and equipment for fire suppression for inclusion in a Fire Protection Plan.
2. Mark merchantable right-of-way timber, locate sites for decking logs, designate areas for storage or disposal of clearing and grubbing debris, and designate disposal sites for excess excavation. Provide the State with procedure for disposal of timber and with species, volume, product and price data.
3. Furnish the State advice and assistance on design matters involving National Forest interests, such as preservation and restoration of fish and game habitat and food sources likely to be affected by construction and subsequent maintenance, and the materials and criteria for establishing and maintaining vegetal cover on disturbed areas.
4. Provide information on the need for detours for National Forest traffic, maintenance of Forest Service roads used for detours during construction, use of Forest Service roads for work roads and replacement of Forest Service facilities and signs.
5. Collaborate to minimize dust, objectionable odors, and water supply pollution or contamination associated with construction work.

The pertinent information provided in 1 through 5 shall be made available to all bidders by the State's contract proposal under Special Provisions.

Right of Way:

1. For roads on the Federal Aid System or that will be constructed in whole or in part with Federal Aid Funds: (23 U.S.C. Secs. 317 and 107(d): (49 U.S.C. 1651)

The State will request the right of way from the FHWA. Following their approval of the request, the FHWA will request the right of way from the Forest Service who will grant right of entry subject to such stipulations as are deemed necessary. The FHWA will in turn grant right of entry to the State and initiate preparation for highway easement deed.

2. For other public roads administered by the State. (16 U.S.C. 532-538)

This procedure will be used to grant easements to public road agencies for roads that are not part of the Federal Aid System and which are not constructed under the provision of 23 U.S.C.

Procedure in this memorandum apply except that the FHWA is not involved. The easement deed is issued by the Regional Forester and provided to the State as the authorization to proceed with construction.

3. For Other Uses:

Access roads needed during construction of public roads for such as access to gravel or fill sources and temporary use of lands (such as material source sites, stockpile sites, disposal sites, minor sloping, etc.) outside of those permanent lands required for the construction and maintenance of the highway facility, will be authorized by the issuance of an appropriate use permit.

Construction: At an early date following the award of the highway improvement contract, the Forest Service will be advised in writing of the award of the construction contract and invited to a preconstruction conference between the State, the contractor, representatives of affected utility companies and others affected by the project. Such meetings will provide an opportunity for all interested parties to discuss their mutual concerns regarding project construction. The Forest Service will consult with the area construction supervisor on matters pertaining to project construction. If so requested at the preconstruction conference, the Forest Service will be informed of the date of final inspection so Forest Service personnel can participate. Forest Service participation is not to check for technical adequacy but for environmental and resource coordination required in the stipulation of special use permits such as clean up, borrow pit seeding, etc.

Maintenance: The Forest Service recognizes that state, county and local governments have the responsibility to maintain their highways. Any state, county or local highway that runs through the forest will be treated in the same manner as it enters and/or leaves the forest. Therefore, governmental agencies will have maintenance jurisdiction on their highways through the forest just as they do on the remainder of their system. This includes, but is not limited to, surface maintenance, winter maintenance, drainage maintenance, vegetation management and sign control. This work will be limited to the area as established at the time of construction or the right of way currently in force. Any work outside these areas will be coordinated with the Forest Service.

Signing: (on the State Trunk Highway System within granted right of way)

1. Traffic Control Signing

- a) Regulatory and warning signs are under the jurisdiction of the State and will be furnished, installed and maintained by the State.
- b) Route markers, junction signing, destination and distance-type guide signs for the State Trunk and County Trunk Highways along the route shall be furnished, installed and maintained by the State.
- c) Junction signing for National Forest Roads will be furnished, installed and maintained by the State at the expense of the Forest Service. This will follow the State policy for town road junction signing.

2. Other Signing

- a) Rustic type Forest Service entrance signs and temporary posters shall be furnished, installed and maintained by the Forest Service. Sign type and location shall be approved by the State.

All advance and junction signing for campgrounds will be furnished, installed and maintained by the State. Either advance or junction signs for district and supervisor's office administrative sites will be furnished, installed and maintained by the State.

- b) All advance and junction signs of significant picnic (day use) areas and separate boat landing will be furnished, installed and maintained by the State.
- c) Other permanent signs such as identifying recreation, resort areas, trails, and public service facilities shall be furnished, installed and maintained by the Forest Service. Installation shall be at a location beyond the line where traffic control signs are placed.

- d) Scenic by-way logos and associated signing necessary to identifying National Scenic By-ways shall be furnished, installed and maintained by the Forest Service. The sign type and location will be approved by the State.

General Condition

Signing shall conform to mounting height, location and lateral placement provisions of the Manual on Uniform Traffic Control Devices as modified by the Wisconsin Supplement. All such installations should comply with FHWA policies on the design and placement of sign supports.

For all other signing not covered by the above, the Forest Service and State will work together to comply with the requirements of both the Federal and State sign programs.

Access Control: All approaches to a State or U.S. numbered highway on National Forest land will be approved by the State under a "Permit for Access." The Forest Service will obtain a "Permit for Access" for its permanent and temporary roads which connect within the State right of way with State and U.S. highways. The Forest Service will also stipulate in its permits to contracts to others that approval for road construction over National Forest land within the State highway right of way is contingent upon approval by the State for connections to State and U.S. highways. Approved permanent new approaches to State and U.S Highways on National Forest land will be at the expense of the Forest Service or its permittee.

Temporary approaches required by the Forest Service during fire fighting operations or other emergencies may be constructed as necessary without formal approval by the State. Obliteration of such temporary approaches and restoration measures necessary will be at no expense to the State.

Conclusion: District Transportation Directors and Forest Supervisors are encouraged to consult with each other and to agree on such matters as fall within their areas of responsibility.

This memorandum may be amended or supplemented by mutual agreement between the signers or their successors. This memorandum may be terminated by either party through written notice to the other.

We have read the foregoing and agree and abide by the procedures herein.

STATE DEPARTMENT OF TRANSPORTATION

Date: 1/20/94

By: 
Administrator

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Date: 12/21/83

By: 
Regional Forester-Eastern Region

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		1. Date of Land Evaluation Request December 25, 1987	2. Sheet ____ of ____
3. Name of Project 1234-56-78, F 099 (), USH 1, Major Project		4. Federal Agency Involved FHWA	
5. Proposed Land Use Highway		6. County and State Exurban TWP, Any County, Wisconsin	7. Type of Project: Corridor <input checked="" type="checkbox"/> Other <input type="checkbox"/>
PART II (To be completed by NRCS)		1. Date Request Received by NRCS January 1, 1988	2. Person Completing the NRCS parts of this form
3. Does the site or corridor contain prime, unique, statewide or local important farmland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (If no, the FPPA does not apply - Do not complete additional parts of this form)		4. Acres Irrigated None	5. Average Farm Size 147
6. Major Crop(s) Corn/Alfalfa	7. Farmable Land in Government Jurisdiction Acres: 82,000 \ 75%		8. Amount of Farmland As Defined in FPPA Acres: 82,000 75%
9. Name of Land Evaluation System Used LESA	10. Name of Local Site Assessment System LESA		11. Date Land Evaluation Returned by NRCS 2/14/88

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	4.13	28.4		
B. Total Acres To Be Converted Indirectly, Or To Receive Services	9.15	3.2		
C. Total Acres in Site	13.28	31.6		
PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime and Unique Farmland	2.1	19.7		
B. Total Acres Statewide and Local Important Farmland	2.0	10.9		
C. Percentage of Farmland in County or Local Govt. Unit to be Converted	.005%	.37%		
D. Percentage of Farmland in Govt. Jurisdiction with Same or Higher Relative Value	10%	2%		
PART V (To be completed by NRCS) Land Evaluation Criterion				
Relative Value of Farmland to be Serviced or Converted (Scale of 0 - 100 Points)	40%	77%		
PART VI (To be completed by Federal Agency) Corridor or Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b & c))				
	Max. Points	Corridor	Other	
1. Area in Nonurban Use	15	15	12	15
2. Perimeter in Nonurban Use	10	10	8	10
3. Percent of Site Being Farmed	20	20	2	17
4. Protection Provided by State and Local Government	20	20	20	20
5. Distance from Urban Built-up area	0	15	--	--
6. Distance to Urban Support Services	0	15	--	--
7. Size of Present Farm Unit Compared to Average	10	10	0	8
8. Creation of Non-Farmable Farmland	25	10	8	20
9. Availability of Farm Support Services	5	5	5	5
10. On-Farm Investments	20	20	0	10
11. Effects of Conversion on Farm Support Services	25	10	0	0
12. Compatibility with Existing Agricultural Use	10	10	0	0
TOTAL CORRIDOR OR SITE ASSESSMENT POINTS	160	55	105	
PART VII (To be completed by Federal Agency)				
Relative Value of Farmland (from Part V above)	100	40	77	
Total Corridor or Site Assessment (From Part VI above or a local site assessment)	160	55	105	
TOTAL POINTS (Total of above 2 lines)	260	95	182	

PART VIII (To be completed by Federal Agency after final alternative is chosen)		
1. Corridor or Site Selected: Site A	2. Date of Selection: February 15, 1988	3. Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

4. Reason For Selection:
 Site A was selected because it would not have as significant effect on farmland covered by the Farmland Protection Policy Act. Site B would have a more significant effect and require the evaluation of other sites that would either not satisfy the requirements of the project or would create other more significant effects to the environment. The proposed conversion of farmland using Site A would therefore be consistent with the spirit and intent of the Farmland Protection Policy Act, the National Environmental Policy Act, and the FHWA's internal policies.

Signature of person completing the Federal Agency parts of this form:	DATE
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Wisconsin substitute form AD-1006 6-9-97 Completion instructions: [ht://www.wi.nrcs.usda.gov/soil/prime/prinotes.html](http://www.wi.nrcs.usda.gov/soil/prime/prinotes.html)