

**FOREST SERVICE MANUAL**

Washington, D.C.

EMERGENCY DIRECTIVE NO. 4

September 25, 1975

DISTRIBUTION: In Service Holder of FSM 7700

CHAPTER: 7720 DEVELOPMENT ROADS

POSTING NOTICE: Last ED is No. 3 in FSM 7730

This directive adds procedures for coordination with Department of Transportation regarding impacts of Federal Aid Highway projects on recreation lands.

7725.6 - Federal Highway Administration

7725.62 - Coordination with Department of Transportation. Impacts of Federal Aid Projects on Recreation Lands. The Department of Transportation Act of 1966, PL 89-670, as amended by the Federal Aid Highway Act of 1968, PL 90-495, Section 18, and contained in the U.S.C. 138 (hereinafter referred to as Section 4(f) requires a federal, state, or local agency having jurisdiction over publicly owned recreation areas, parklands, wildlife and waterfowl refuges, or historic sites to make a determination concerning the impact of a Federal Aid Highway Project on these lands. Pertinent areas under Forest Service jurisdiction are interpreted as including: 1) lands dedicated as Wilderness, National Recreation Areas, Wild and Scenic Rivers, areas designated by Congress or the Chief of the Forest Service for addition to the National Wilderness Preservation System, rivers designated for potential addition to the Wild and Scenic Rivers System,

2) developed recreation sites with permanent facilities, 3) special interest areas established under 36 CFR 294.1a., 4) national game or bird refuges, preserves, sanctuaries or reservations established under authority of an act of Congress (36 CFR 241), 5) historic sites meeting criteria for inclusion in registry of national historic sites.

The following procedure has been agreed upon by the Forest Service to document determinations and report findings to the Federal Highway Administration. As appropriate, one of the three following statements shall be filed with the Regional Federal Highway Administrator for all Federal Aid Highway Projects to be constructed or reconstructed on National Forest or other lands administered by the Forest Service. These statements will be prepared and filed during the corridor planning phase and prior to the required public corridor hearing of the appropriate highway agency.

1. Situation - None of the types of areas specifically stated in the Act are involved.

The proposed (Name) route (Location) (and the alternate routes,) has

been reviewed against the criteria of Section 4(f) of the Department of Transportation Act of 1966, PL 89-670, as amended by the Federal Aid Highway Act of 1968, PL 90-495, Section 18.

Since this route crosses an area of Public Land under National Forest designation, as the Agency having jurisdiction of these Public Lands, we have determined that the route does not encroach on or use land from any of the types of specifically designated areas in the above Public Laws.

2. Situation - One or more of the types of areas specifically stated in the Act are involved.

The proposed (Name) route (Location) (and the alternate routes,) has been reviewed against the criteria of Section 4(f) of the Department of Transportation Act of 1966, PL 89-670, as amended by the Federal Aid Highway Act of 1968, PL 90-495, Section 11.

Since this route crosses an area of Public Land under National Forest designation, as the Agency having jurisdiction of these Public Lands, we have determined that the route does in fact encroach on and uses land from a

[type of area(s)] as specified in the above Public Laws and we recommend a 4(f) determination procedure be initiated.

3. Situation - The Forest Service Analysis of the route and its effect on Management of the National Forest clearly identifies, for the first time, a current or proposed use of land which should be incorporated into one of the specifically stated types of areas and we will implement an action plan for such designation as a result of the analysis.

The proposed (Name) route (Location) (and the alternate routes,) has been reviewed against the criteria of Section 4(f) of the Department of Transportation Act of 1966, PL 89-670, as amended by the Federal Aid Highway Act of 1968, PL 99-495, Section 18.

Since this route crosses an area of Public Land under National Forest designation, as the Agency having jurisdiction of these Public Lands, we have determined through detailed analysis that conditions of use exist of a nature which requires a designation of the type stated in the above act. It is our intent to now proceed with such a designation. Since the project will use land from the area proposed for designation, we recommend that a 4(f) determination procedure be followed.

Each statement will also include the following notation: "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 (Offices)." (List each document reviewed.)

The letter transmitting the forest Officer's recommendation to the Regional Federal Highway Administrator should also include a discussion of the nature of the land which will be used for the highway project and the multiple uses now being made of it. In particular, a detailed description of the kind and amount of uses of the land is needed which will support the determination made.

The submittal of any one of these statements in no way negates the need to pursue the procedures required by the National Environmental Policy Act of 1969.

/S/ Russell P. McRaney

Associate Deputy Chief