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FSM 1500 - EXTERNAL RELATIONS

R-4 SUPPLEMENT 1500-94-4

EFFECTIVE 5/26/94

CHAPTER 1560 - STATE, COUNTY, AND LOCAL AGENCIES;
PUBLIC AND PRIVATE ORGANIZATIONS1561.9 - Transportation Agencies.1561.9 - Exhibit 04

MEMORANDUM OF UNDERSTANDING

BETWEEN

FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

BY AND THROUGH THE

REGIONAL FORESTER, ROCKY MOUNTAIN REGION (REGION 2)

REGIONAL FORESTER, INTERMOUNTAIN REGION (REGION 4)

AND

WYOMING STATE HIGHWAY DEPARTMENT BY AND THROUGH THE

SUPERINTENDENT AND CHIEF ENGINEER.

This Memorandum of Understanding made and entered into by and between the Wyoming State Highway Department, hereinafter referred to as the State, and the United States Department of Agriculture, Forest Service, Rocky Mountain and Intermountain Regions, hereinafter referred to as the Forest Service, establishes procedures for coordinating matters related to State highway use and occupancy of National Forest System lands.

WITNESSETH:

The State is responsible for planning, designing, constructing, and perpetuating public highways of the State Highway System for the safety and benefit of the using public and the protection of the natural and human environment in highway construction and operations; and

The Forest Service is responsible for the protection and multiple use management of National Forest System lands and resources for the use and benefit of the people of the United States, and for the development of a system of Forest roads to help accomplish these purposes; and

The Public Highway System and the Forest Development Transportation System are interdependent and of mutual benefit to the State and the Forest Service; and

The State will need authorization to use National Forest System lands for highway rights-of-way, waste areas, and material sources for highway construction and maintenance.

NOW, THEREFORE, in consideration of the above premises, the parties hereto mutually agree as follows:

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I. To cooperate in highway planning, development, operation, maintenance, and signing in accordance with the general principles outlined in the Wyoming State Highway Department Action Plan and with the specific procedures described in the Joint Action Plan which is made a supplement to this Memorandum of Understanding.

II. Nothing in the Memorandum of Understanding is to be construed as conflicting with existing laws, regulations, or prescribed responsibilities of either party.

III. Nothing herein shall be construed as binding the Forest Service or the State in the expenditure of funds or for the future payment of money in excess of appropriations authorized by law.

IV. No member of, or delegate to, Congress or Resident Commissioner shall be admitted to share in any part of this agreement, or to pay benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

V. This agreement shall be effective upon execution by both parties hereto.

VI. Either party may terminate the agreement by providing 60 days written notice. Unless terminated by written notice, this agreement as of the last date written below.

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

BY: /s/ Vern Hamre
Regional Forester
Intermountain Region (R-4)

BY: /s/ S. Hanks
Regional Forester
Rocky Mountain Region (R-2)

DATE: February 6, 1979

DATE: March 20, 1979

DIVISION OF HIGHWAYS
STATE OF WYOMING

BY: /s/ Lino Menghini
Superintendent & Chief Engineer

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JOINT ACTION PLAN
BETWEEN
FOREST SERVICE
AND
WYOMING STATE HIGHWAY DEPARTMENT

I. GENERAL PROVISIONS

- A. This plan establishes specific procedures for the coordination of highway planning, development, and operation in accordance with the Wyoming State Highway Department Action Plan approved by the Regional Federal Highway Administrator on December, 15, 1975.
 - B. Actions defined in this Plan will be coordinated between personnel at equivalent organizational levels within each agency. Forest Supervisors-District Engineers, and District Rangers-Resident Engineers are encouraged to confer and reach agreements on matters within their scope of responsibility. All requests for signs will be made to the District Engineer by the Forest Supervisor to maintain consistency within units. Unresolved problems and items requiring approval of higher authority will be referred to the State Highway Superintendent and Chief Engineer and the appropriate Regional Forester consideration.
 - C. National Forest System Lands means all lands, including National Grasslands, that are administered by the USDA, Forest Service.
 - D. Unless otherwise specified in writing, 30 calendar days will be allowed for advance notification or for response to a request.
- II.A. State-wide Transportation Planning - The Highway Planning Branch will invite Regional Forester participation in the Steering Committee's establishment of State transportation policy to ensure the recognition of National Forest Management needs in the State Highway Plan.
- B. Systems Planning
 - 1. The Regional Forester will furnish the Planning Branch with data related to National Forest System lands to aid in the functional classification of rural systems.
 - 2. The Programing Branch will provide the Regional Forester with a copy of the current State Highway Plan.

¹ Jurisdictional boundaries are defined on the enclosed map.

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C. Corridor Planning

1. The Highway Planning Branch will notify the Regional Forester when any element concerning National Forest lands is entered into the rural system Corridor Study process.
2. Forest Supervisors will participate in the Corridor Study as part of the Interagency Committee and make available existing Forest Service land use and/or transportation plans that would aid the study.
3. The Programing Branch will notify the Regional Forester of the annual Commissioner District public meetings held prior to the formulation of the Short Range Improvement Program.
4. The Programing Branch will provide the Regional Forester with a copy of the Short Range Improvement Program as published each year.

III. PROJECT DEVELOPMENT

A. Location

1. The State Highway Development Engineer will, during the reconnaissance stage, contact individual Forest Supervisors to discuss the Level of Action assignment and correlate Forest Service participation and schedules. A reconnaissance map will be provided for this discussion.
2. The Forest Supervisor will, following the coordination meeting, conduct field investigation and prepare an analysis of the environmental impacts of the project on National Forest System lands.

The Forest Supervisor will provide the State Highway Development Engineer with two copies of the analysis during the Engineering and Environmental Studies stage. This analysis will be the basis for:

- a. Forest Service determination concerning:
 - (1) The proposed right-of-way appropriation as provided for in 23 USC 317 for Federal-aid highways or 16 USC 533 non-Federal-aid highways.
 - (2) The impact of the project upon recreation areas in accordance with 23 USC 138 (PL 89-670, Section 4(f) Statement).
3. The Environmental Section will provide the Forest Supervisor with two copies of the draft Environmental Statement, draft Negative Declaration, or the Non-major Action Determination, and notify him of the public hearing date.

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4. The Forest Supervisor will, following the public hearing, provide written comments to the Environmental Services Section concerning the draft Environmental Statement or the Negative Declaration.
5. The Environmental Services Section will provide the Regional Forester with three copies of the final Environmental Statement or Negative Declaration.
6. The State Highway Development Engineer will apply for special-use permits from the Forest Supervisor before starting work for ground surveys, controls on aerial surveys, or geotechnical investigations. The State Highway Development Engineer and District Engineer will require employees who are responsible for field work to review permit requirements and limitations related to clearing, water quality, and fire prevention.

B. Preliminary Design

1. The State Highway Development Engineer will invite the Forest Supervisor's participation in the determination of principal and special design features. These features will include, but not be limited to, planning for fire control, slash disposal, landscape management, water quality, erosion control, and signing.
2. The State Highway Development Engineer will provide the Forest Supervisor with two copies of the preliminary drawings and schedule a joint field review.
3. The State Highway Development Engineer and Forest Supervisor will conduct a joint field review using the environmental analyses as discussion guides. This review will provide an opportunity to make design adjustments. All items discussed will be documented as part of the Progress Review of the Design Study.

C. Granting of Easements for Federal-aid Highway Systems

1. The Right-of-Way Engineer will, upon internal authorization to acquire rights-of-way, initiate a request to the Regional Federal Highway Administrator for easement across National Forest System lands.
2. The Right-of-Way Engineer will provide the Regional Federal Highway Administrator with plats indicating the final right-of-way to be conveyed.
3. The Right-of-Way Engineer's request will be in accordance with the provisions of 23 USC 317 and 107(d) which authorize the Secretary of Transportation, acting through the Federal Highway Administration, to grant the easement.

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The Regional Federal Highway Administrator determines if the State's easement request is reasonably necessary and then forwards the request to the Regional Forester. The Regional Federal Highway Administrator determines if the State's easement request is reasonably necessary and then forwards the request to the Regional Forester. The Regional Forester will respond within a period of four months. Agreement to the appropriation and transfer will be by a Letter of Consent to the Regional Federal Highway Administrator. The Letter of Consent will set forth the standard conditions and stipulations which are necessary for the adequate protection and utilization of National Forest lands.

4. The Right-of-Way or Resident Engineer will record the easement deed in the appropriate County records and send four conformed copies of the deed to the Regional Forester.
5. The Regional Forester will file a conformed copy of the executed highway easement deed with the State Land Office of the Bureau of Land Management.

D. Granting of Easement for Non-Federal-aid System Highways

1. The Right-of-Way Engineer will, upon internal authorization to acquire rights-of-way, initiate a request to the Regional Forester for easement across National Forest System lands. The request will be made in accordance with 16 USC 533 which authorizes the Secretary of Agriculture, acting through the Chief of the Forest Service, to grant the easement.
2. The Right-of-Way Engineer will provide the Regional Forester with plats indicating the final right-of-way to be conveyed.
3. The Regional Forester will, if the proposed project is satisfactory, issue an easement to the State subject to approval of the plans and specifications and stipulations.
4. The Right-of-Way Engineer or Resident Engineer will record the easement deed in the appropriate County records and send four conformed copies of the deed to the Regional Forester.
5. The Regional Forester will file a conformed copy of the executed highway easement deed with the State Land Office of the Bureau of Land Management.

E. Final Design

1. The Highway Development Team Leader will, two weeks prior to a final design review, provide the Forest Supervisor with three sets of plans and specifications.

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2. The Highway Development Team Leader and Forest Supervisor will participate in a joint design review. The Forest Supervisor will review the final highway plans and specifications in accordance with the conditions of the Letter of Consent¹ or Easement².
3. The Regional Forester will provide written notice of approval of the final plans and specifications:
 - a. In accordance with the Letter of Consent¹. (Notice to be furnished to the Regional Federal Highway Administrator.)
 - b. In accordance with the Easement². (Notice to be furnished to the Highway Development Team Leader.)

Such notice will include any additional stipulations agreed to with the Highway development team Leader covering general construction requirements not included in the final plans and specifications.

F. Construction

1. The District Engineer will notify the appropriate Forest Supervisor, in writing, of award of construction contract and furnish the name and title of the State's representative on the construction project whom the Forest Supervisor, or his representative, should contact regarding matters related to the construction work.
2. The Forest Supervisor will designate a representative to work with the designated State representative on all matters pertaining to the construction work.
3. The Resident Engineer will invite the Forest Supervisor to the preconstruction conference to explain the stipulation, functional plans, and special-use permits.
4. The Forest Supervisor will accept applications from the Resident Engineer for any use or occupancy which is not covered by the conditions of the Letter of Consent¹ transmitted to FHWA or Easement².
5. The Resident Engineer and the Forest Supervisor will participate in joint construction inspections periodically to check compliance with the conditions of the Letter of Consent¹ or Easement². In cases of unresolved noncompliance, the Regional Forester will notify the Regional Federal Highway Administrator¹ or the District Engineer² for corrective action.

MAY-10-00 WED 11:04 AM R4-ENGINEERING

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6. The Resident Engineer will notify the Forest Supervisor when the contract is ready for final inspection and arrange for a joint inspection.
7. The Forest Supervisor will, during the joint final inspection, ensure that all construction conditions of the Letter of Consent¹ or Easement² and supplementary special-use permits have been met. When the work is complete, the Regional Forester will so notify:
 - a. The Regional Federal Highway Administrator¹, in writing, with a copy to the State; or
 - b. The District Engineer².

IV. OPERATIONS AND MAINTENANCE

A. The District Engineer will:

1. Request special-use permits from the Forest Supervisor and reach agreement on all activities outside the right-of-way such as borrow pits, disposal areas, and avalanche control.
2. Notify the Forest Supervisor of planned actions within National Forest System boundaries regarding the Wyoming Outdoor Advertising Act.
3. Develop a program and initiate requests for appropriation and transfer of right-of-way for existing Federal-aid routes over National Forest System lands where Department of Transportation easements have never been acquired.

B. The Forest Supervisor will:

1. Notify the District Engineer of planned Forest Service activities which may have an impact on highway operation and maintenance.
2. Obtain an Approach Permit from the District Engineer for all new road intersections to be constructed by the Forest Service or its permittees which will connect with State and U.S. Highways.

Temporary approaches required by the Forest Service during firefighting operations or other emergencies may be constructed as necessary without formal approval by the District Engineer. Obliteration of such temporary approaches and restoration measures necessary will be accomplished at expense of the Forest Service and immediately after the emergency has passed.

¹ For Federal-aid projects.

² For non-Federal-aid projects.

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*GENERAL

1. Forest Service-related signing will be mutually reviewed and approved by the Forest Supervisor and the State Highway Department District Engineer to assure compliance with this agreement and with all State and Federal Highway Safety Standards. Planning and approval of Forest Service Signs on the State Highways will be coordinated between the Forest Supervisor and the Wyoming State Highway Department District Engineer.
2. The Forest Service-related signing that is the responsibility of the State shall meet all the State Signing Specifications, which include standard signing supports and sign materials. Signs which are the responsibility of the Forest Service shall meet the Forest Service Standards and Specifications.
3. For the purpose of this agreement, "Direct Access" is defined as a roadway which leads motorists to their destination without having to divert onto another roadway before reaching that destination.
4. The Federal Highway Administration Manual on Uniform Traffic Control Devices is referred to as the MUTCD in this Joint Action Plan.
5. The Forest Service Level 3 Maintenance Standard is assigned to a road where management direction requires the road to be open and maintained for safe travel by a prudent driver in a passenger car. Traffic volumes are minor to moderate; however, user comfort and convenience are not a consideration. Roads at this maintenance level are normally characterized as low speed, single land, with turnouts.

INTERSTATE HIGHWAYS

- A. On Interstate Highways within Forest Boundaries.
 1. The State will erect and maintain standard MUTCD signs:
 - a. Identifying Entering and Leaving National Forest Lands. Signs will only be placed at exterior boundaries, unless significant interior highway length is within private land.
 - b. For significant designated recreation areas, where an intersecting road at an Interchange provides direct access to the area.
 - c. For Forest Development Roads (maintained to a Forest Service Level 3 maintenance standard or higher) which are directly accessed from an Interstate Highway Interchange.
 2. The Forest Service will not erect any signs within an Interstate Highway right-of-way.
 3. No signs will be allowed for special use facilities, other than the Motorist Service Signing provided by State law or policy.

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B. On Interstate Highways outside of Forest Boundaries.

1. The State will erect and maintain standard MUTCD signs:
 - a. For National Forests or significant designated recreation areas which are directly accessed by an intersecting Highway from an Interchange and are within 50 miles of the Interstate Highway.
 - b. For Forest Development Roads (maintained to a Forest Service Level 3 maintenance standard or higher) which are directly accessed from an Interstate Highway Interchange.
2. The Forest Service will not erect any signs within an Interstate Highway right-of-way.
3. No signs will be allowed for special use facilities other than the Motorist Service signing provided by State law or policy.

PRIMARY AND SECONDARY HIGHWAYS

A. On Primary and Secondary Highways within Forest Boundaries.

1. The State will erect and maintain standard MUTCD signs:
 - a. Identifying entering and leaving National Forest lands. Signs will only be placed at exterior boundaries, unless significant interior highway lengths are within private lands. If the Forest Service desires to sign the boundaries with other than the standard State sign, such as with the Service Standard shaped signs, they may do so at Forest Service expense.
 - b. For Forest Development Roads (maintained to a Forest Service Level 3 maintenance standard or higher) which directly access these highways.
 - c. For designated recreation areas at their direct access point with the highway. If the Forest Service requests recreation LOGOS on the signs, they will be added at Forest Service expense for fabrication, erection and maintenance. The Forest Service may erect and maintain, through contract or force account, signs for individual developed sites, such as approach and entrance signs, at Forest Service expense.
 - d. For on-Forest Administrative Sites or other facilities providing information for Forest users.
 - e. For significant topographic features within the Forest; i.e., mountain passes, Continental Divide, rivers, etc.. All other topographic features may be signed by the Forest Service, at Forest Service expense.

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- 2. The State will erect and maintain significant historical site signs as determined by the State.
- 3. The Forest Service will be responsible for:
 - a. Erecting and maintaining all other signs needed for Forest Management. These signs will be coordinated with the State for compliance with the Highway Safety Act and as to agreement on location and standard.
 - b. Special Use permittee signing on the Highway right-of-way. Signs shall be in conformance with the Federal and State Outdoor Advertising laws.
- B. On Primary and Secondary Highways outside Forest Boundaries.
 - 1. The State will erect and maintain standard MUTCD signs:
 - a. For Forest Development Roads (maintained to Forest Service Level 3 Maintenance Standard or higher) which directly access these highways.
 - b. For designated recreation areas or National Forests which are directly accessed and are within 20 miles of the highway. If the Forest Service requests recreation LOGOS on the signs, they will be added at Forest Service expense for fabrication, erection, and maintenance.
 - 2. No signs will be allowed for special use facilities, other than the Motorist Service signing provided by State Law or policy.
 - 3. Fabrication, erection and maintenance of signing for Administrative Sites (Offices) will be allowed, at Forest Service expense, at locations and to standards agreed to by the State and/or other parties having official jurisdiction, such as municipalities.

IN WITNESS WHEREOF, the parties hereto have executed this amendment to the Joint Action Plan as of the last date written below.

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

BY: /s/ Joe E. Ragsdale
for Regional Forester
Intermountain Region (R-4)

BY: /s/ Gary E. Cargill
Regional Forester
Rocky Mountain Region (R-2)

DATE: December 14, 1988

DATE: November 23, 1988

STATE OF WYOMING
DEPARTMENT OF HIGHWAYS

DATE: January 4, 1988

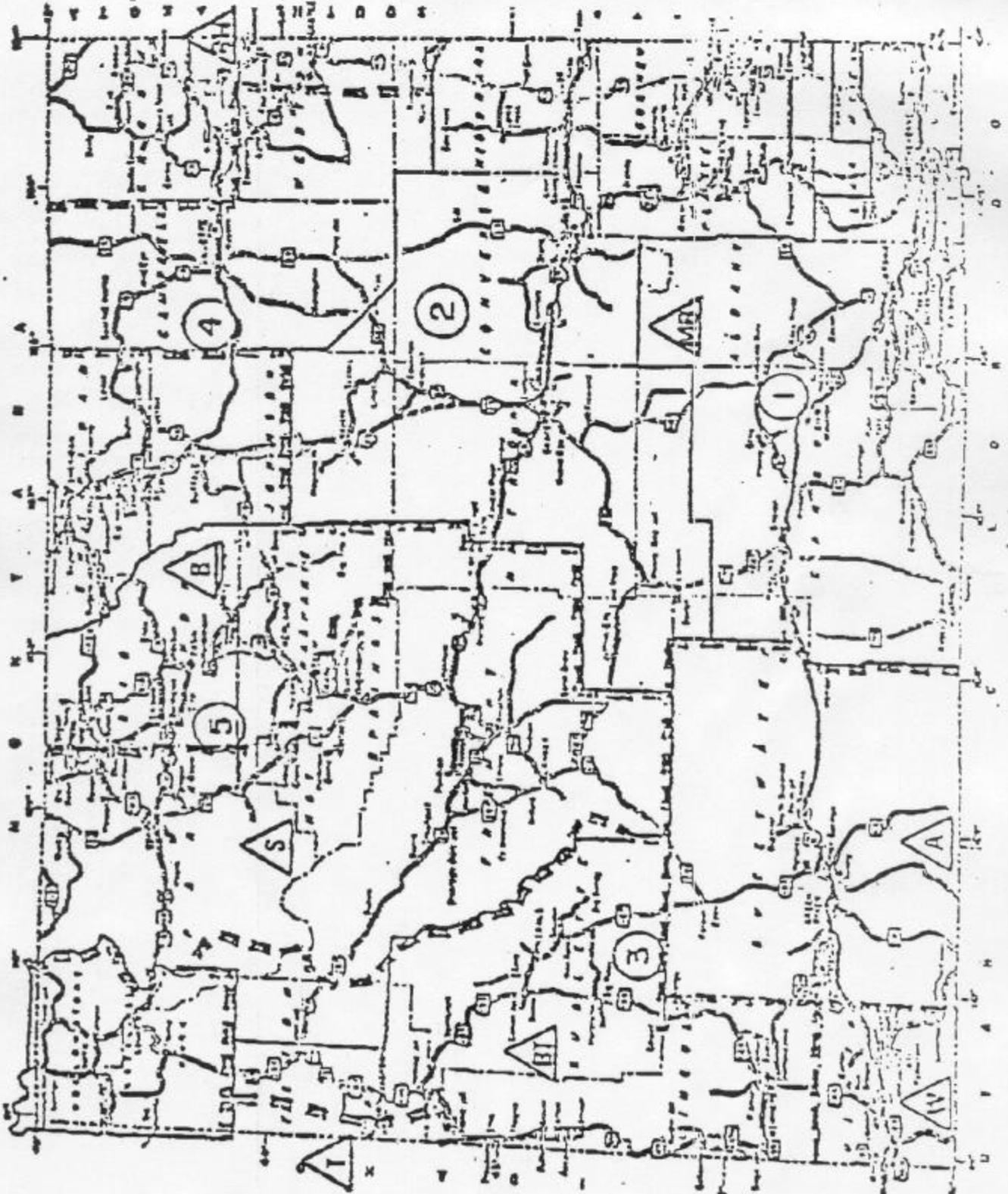
BY: /s/ Leno Menchini

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Map of Wyoming State Highway Department District Boundaries
and National Forest Boundaries



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HIGHWAY OFFICES

Superintendent and Chief
Engineer - Cheyenne

- 1 Laramie
- 2 Casper
- 3 Rock Springs
- 4 Sheridan
- 5 Basin & Riverton

FOREST OFFICES

Regional Forester, Region 2
Lakewood, CO

- B Bighorn - Sheridan
- BH Black Hills - Custer SD
- MB Medicine Bow - Laramie
- S Shoshone - Cody

Regional Forester, Region 4
Ogden, UT

- A Ashley - Vernal UT
- BT Bridger-Teton - Jackson
- T Targhee - St. Anthony ID
- W Wasatch - Salt Lake City UT