



Access to Private Land over Forest Service Roads

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OVERVIEW: The Forest Service (FS) manages a number of roads that provide access to National Forest System lands as well as provide access to private residential and resource lands. It is important that prospective purchasers and future landowners understand the management of these National Forest System Roads accessing private property. The **National Forest Road System is under the jurisdiction of the Forest Service**. Refer to your deed, or check with your Title Company or realtor to determine what legal access may be associated with each property.

The Forest Service recognizes that any future landowner may have existing easements providing the legal right of access to their property. Please note that where the property is accessed using the National Forest Road System, the Forest Service is the road manager and uses on the **roads are subject to Forest Service rules and regulation**.

Some of the properties may be accessed via National Forest System Roads with no associated easements. In this case, future property owners may continue to use open National Forest System Roads as part of the general public, and as such are subject to any Road Closures the Forest Service places on the road.

EXISTING EASEMENTS: Some of the properties are accessed via roads with existing easements that have been exchanged under the Cost Share program between Longview Timberlands (or Longview's Predecessor) and the USDA (Forest Service). These are typically referred to as *Cost Share Roads*. These easements reference various Road Right-of-Way Construction and Use Agreements, and facilitated the joint management of a road system by two large land management agencies. Although the easements transfer with land ownership, the existing Road Right-of-Way Construction and Use Agreements do not transfer with the land. **New road maintenance sharing arrangements will need to be developed with the Forest Service to meet proportionate sharing maintenance easement requirements.**

These Cost Share Roads and easements were not developed for residential use and the roads were rarely designed to standards necessary to accommodate residential use safely. Residential use can create significant road user conflicts, road damage, and safety hazards. FS roads are rarely maintained for user comfort because it is not within the FS's management objective or fiscal ability to do so. FS roads are often bumpy, dusty and may be graded only once a year, or every other year for resource protection. Forest Service roads are typically closed in the winter.

The current cost share easements granted may not be the most appropriate easement for residential use and development. In situations where the existing easement is not the most appropriate type of easement, the Forest Service may grant the landowner the appropriate easement such as the Federal Land Policy and Management Act (FLPMA) easement on a case by case basis. Future landowners will need to meet with the Forest Service and determine the appropriate maintenance responsibilities and the appropriate legal access to their property. Under any easements, **all parties are responsible for their proportionate share of maintenance of the road**, including but not limited to non-traffic generated maintenance (brushing, weed control, etc.).

ROAD MAINTENANCE: Any road reconstruction or maintenance work on a National Forest Service System Road shall be reviewed and approved by the Forest Service.

Future reconstruction costs of the existing roads may be shared or may be provided by the party requiring that reconstruction.

Forest Service is responsible for their share of maintenance to meet Forest Service needs. Many Forest Service roads are not maintained for user comfort and are maintained only to prevent resource damage. These Forest Service roads may not be drivable for passenger vehicles or public service vehicles. All National Forest System Roads are to be operated in accordance with the *Okanogan-Wenatchee Forest Road Rules*. The majority of Forest Service roads are not passable in the winter and some are closed seasonally for resource concerns or winter recreation.

Local governments are far better at accommodating local commercial and residential access needs for public service, such as police and fire protection, school bus routes, deliveries and regulation of traffic. In the instance a FS road accesses a large subdivision (five lots or more), it would be appropriate to petition Chelan County to take jurisdiction of these FS roads. Upon request by the County, the Forest Service may grant control of the road or roads to Chelan County.

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