

EXHIBIT 1

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

*-This Memorandum of Understanding by and between the State of Vermont Transportation Board, 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," establishes procedures for coordinating the location, construction, maintenance, signing, access, 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, constructing, and perpetuating 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 State will need authorization 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

The Forest Supervisor of the Green Mountain National Forest is the Forest Service representative and will function as the contact for all coordination and correspondence with the State.

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

In recognition of the responsibilities, interests, and limitations set forth above, and the mutual benefits of established procedures to facilitate agreement on specific highway matters on National Forest lands, the State and the Forest Service mutually agree as follows:-*

*- I. Highway LocationA. Planning

1. The State will:
 - a. Keep the Forest currently informed of route reconnaissance studies for highway locations involving National Forest land.
 - b. Before field or aerial surveys are started, request a preliminary report from the Forest Service on resource impacts and management situations related to the proposed highway development. The State should allow 6 to 12 months, depending upon the complexity of the case, for the Forest Service to investigate and report before the survey is started.
 - c. Give the Forest Service the termini of the survey and sufficient other information to determine accurately the affected area to be studied. A reconnaissance contour map should be provided if available.
 - d. Submit copies of preliminary plans and proposed timetable for completing design and obtaining right-of-way across Federal lands.
2. Upon receiving the State's request, the Forest Service will:
 - a. Begin field investigation and preparation of an Environmental Analysis Report (EAR) for that part of the route crossing National Forest lands. Submit a summary of the State which will identify areas in need of further planning coordination.
 - b. Concur with the State's suggested timetable or work out a mutually agreeable alternative.
 - c. In coordination with other Federal Agencies, as appropriate, determine if an Environmental Impact Statement, as defined by The National Environmental Policy Act of 1969 (PL 91-190), will be required.

B. Surveys

1. The State will:
 - a. Annually notify the Forest of planned location surveys across National Forest land.
 - b. Contact the Forest Service before starting work.-*

- *-c. Request a joint Forest Service and State presurvey field review.

2. The Forest Service will:

- a. Furnish available data and information on such matters as land corner locations, property line boundaries, maps and access routes.
- b. Explain Forest Service organization and regulations pertaining to fire prevention and suppression.
- c. Review requirements and limitations related to clearing survey lines and material source investigations.
- d. Provide on-the-ground review and interpretation of details of the preliminary report for assistance to State survey parties.

C. Design Review

1. The State will:

- a. Furnish the Forest Service with two copies of the proposed design brochure or other project documents as soon as available.
- b. Furnish the Forest Service with two sets of preliminary plans in time to allow for a reasonable Forest Service review.
- c. Arrange for joint review of the preliminary design prior to completing final design.

2. The Forest Service will:

- a. Following the in-Service review, meet with State representatives to discuss details of the planned highway work, which may concern Forest Service responsibilities.
- b. Within a reasonable time after the preliminary plans review, advise the State of any recommended changes in preliminary design, as determined by the Environmental Analysis Report.
- c. 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 vegetative cover on disturbed areas.--*

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- d. 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 the procedure for disposal of timber and with species, volume, product, and price data.
- e. 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.
- f. 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 facilities and signs. The temporary use of such Forest Service roads will be authorized under Special Use Permit.
- g. Collaborate to minimize dust, noise, objectionable odors, and water supply pollution or contamination associated with construction work.

D. Plan Approval

Approval of plans and specifications by the Forest Service will be required. Such approval does not relate to highway engineering functional items, but acknowledges that Forest Service requirements relating to service needs and impacts on National Forest lands have been met. Where applicable, submission and required review of an Environmental Statement, as provided in the National Environmental Policy Act of 1969, must precede this approval. The Act provides for an absolute minimum of 90 days between filing and administrative decision, and in large projects, a period of five months or more should be anticipated. A separate stipulation will be entered into between the Regional Forester and the State for each project relative to disposal of merchantable timber, vegetating cut and fill slopes, relocation of Government-owned buildings or other improvements, and other details of construction not considered to be adequately covered in the highway drawings and specification. Applicable provisions from the standard stipulations will be used; EXCEPT, when necessary, the provisions may be supplemented upon approval of the Chief, Forest Service.

E. Right-of-Way Approval

1. Department of Transportation Easements Act of August 27, 1958, as amended (23 U.S.C., Secs. 317 and 107(d), as amended by the Act of October 15, 1966 (80 Stat. 931, 937, Sec. 6(a)(1)(A); 49 U.S.C. 1651). -*

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- *-a. This will be the only form of grant to a State or its nominee for public roads and highways which are part of the Federal-aid system or which are constructed under the provisions of Chapter 2 of the Highway Act (23 U.S.C. secs. 317 and 107(d)). Such rights-of-way will be granted for highway purposes only. Uses to provide for material source sites, stockpile sites, disposal sites, or maintenance stations will be authorized by Special Use Permit. Temporary use of lands outside of those required for the construction and maintenance of the highway facility will also be authorized by the issuance of an appropriate Special Use Permit.
- b. Upon State request, through and with concurrence of the Regional Federal Highway Administrator, the Forest Service will agree to the appropriation and transfer of the right-of-way to the State under the terms and conditions set forth in the letter of consent and separate stipulations. The transfer will be effected under the provisions of Sections 317 and 107(d) of the Federal Highway Act of August 27, 1958, by the issuance of a Highway Easement Deed.
- c. The easement granted under the provisions of paragraph 1 above is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purpose of construction, operation, and maintenance of a highway in accordance with the approved plans, and does not include the grant of any rights for nonhighway purposes or facilities. No other use or occupancy of the right-of-way will be made or permitted by the Forest Service without first consulting with the State and Federal Highway Administration. Mineral materials necessary for use in construction or maintenance of the highway will be provided by permit under the authority of the Act of July 23, 1955 (69 Stat. 367).
- 2. U.S. Department of Agriculture Easements Act of October 31, 1964 (78 Stat. 1089, 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 Chapter 2 of the Highway Act.

Procedures in this Memorandum apply, except that the F.H.W.A. is not involved. The easement deed is issued by the Regional Forester and provided to the State as the authorization to proceed with construction.*

-II. Construction and Maintenance

A. Construction

1. The State will:

- a. Control construction under its contracts to assure work is in accordance with approved plans and agreements.
- b. Contact the Forest Supervisor for agreement prior to starting work under changed conditions which develop prior to or during construction and which alter the land use aspect of approved plans.
- c. Advise the Forest Supervisor in writing of award of construction contract, proposed start of construction date, and furnish the name and title of his on-the-job representative whom the Forest Supervisor or his designated representative should contact regarding matters related to the construction work.
- d. Inform the Forest Service of date of final inspection so Forest Service personnel can participate.

2. The Forest Service will:

- a. Consult only with the District Engineer or his designated representative on matters pertaining to project construction.
- b. Participate in the final inspection, document findings, and prepare recommendation for acceptance for submittal to FHWA through the Forest Service Regional Office.

B. Maintenance

1. The State will:

Coordinate with the Forest Service all maintenance activities which involve additional clearing, slash disposal, chemical control of vegetation, disposal of slough material, changes in road drainage patterns, materials source and storage, and similar actions which involve National Forest lands.

2. The Forest Service will:

- a. Expedite review and agreement on maintenance items requiring Forest Service concurrence.
- b. Assist State maintenance forces with matters related to equipment parking and materials storage, emergency communications needs, materials sources, designating slough and slide material disposal areas.-*

- *-c. Advise the State of planned Forest Service activities which may have an impact on highway maintenance.

III. Signing

A. National System of Interstate and Defense Highways

All signing within the right-of-way limits on the National System of Interstate and Defense Highways will be installed by the State in conformance with the "Manual on Uniform Traffic Control Devices for Streets and Highways, "U. S. Department of Transportation, Federal Highway Administration.

B. State and U.S. Numbered Highways on National Forest Land

1. Regulatory and warning signs are under jurisdiction of the State and will be installed and maintained by the State in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways."
2. A plan for installation and maintenance of Guide Signs shall be jointly developed by the State and Forest Service for each project according to the following guidelines.
 - a. U.S. or State Highway Route Markers; all destination signing at junctions of two U.S. or State Highways; other major road intersections; Forest Service and other minor road intersections; and distance type guide signs along the route, shall be installed and maintained by the State.
 - b. Rustic type Forest Service entrance signs and temporary posters shall be installed and maintained by the Forest Service.
 - c. Other permanent signs such as those identifying picnic, camping, recreation, resort areas, administrative sites, trails, and public service facilities shall be installed and maintained as agreed.

C. General Conditions

1. The location of special feature and informational signs which require a parking area to stop and read, will have advance approval by the State prior to installation.
2. Signs installed or authorized by the Forest Service will not include names of commercial establishments, guides and outfitters, or private concerns.
3. Signing shall conform to mounting height, location, and lateral placement provisions of the Manual on Uniform Traffic Control Devices.

*-IV. Access Control

- A. Access to the National System of Interstate and Defense Highways will only be by way of the established interchanges, except where knockout panels in fencing have been provided for emergency use.
- B. All approaches to a State or U.S. Highway on National Forest land will be approved by the State under a "Permit for Encroachment."
- C. The Forest Service will obtain a "Permit for Encroachment" for its permanent 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 others that approval for road construction over National Forest land within the State right-of-way is contingent upon approval by the State for connections to State and U.S. Highways.
- D. 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. Future maintenance of such approaches within the right-of-way shall be by and at the expense of the State.
- E. 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.

V. Conclusion

- A. Proposals, reviews, and correspondence will follow the following general flow chart which is intended to provide a systematic approach to preparation.
- B. District Engineers and Forest Supervisors are encouraged to consult with each other and to agree on such matters as fall within their scope of responsibility. Matters which require consideration at a higher level should be referred to the State Highway Engineer and the Regional Forester.
- C. 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.
- D. This Memorandum supersedes the Memorandum of Understanding between the State and Forest Service dated August 21, 1972 and August 14, 1972, respectively.*

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*-E. We have read the foregoing and agree to accept and abide by the procedures herein.

STATE OF VERMONT TRANSPORTATION BOARD

Date 12/17/77

By: S. J. Gage
Chief Engineer

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Date 1/4/78

By: S. J. Yurich
STEVE YURICH
Regional Forester