

*Willamette National Forest Pilot Road Analysis*

**Appendix K**  
***Lands Process Paper***

*October 1998*

## Background

The Willamette National Forest is heavily impacted by private inholdings, both large blocks of single owner “checkerboard” land ownership patterns (a legacy of the old railroad grant lands), and smaller, scattered ownerships of a residential or small woodlot nature. Over time, there have been 12 major transportation system cost-sharing areas of some kind on the Detroit, Sweet Home, Blue River, McKenzie, and former Rigdon Ranger Districts. Of these, eight areas are still in operation:

### Sweet Home Ranger District

- ✧ Quartzville Road, with the Bureau of Land Management
- ✧ Lava Lake, with Timber Service Company
- ✧ Harter Mountain-Squaw Creek, with Timber Service Company
- ✧ Moose Mountain, with Timber Service Company
- ✧ Canyon Creek, with Timber Service Company and Willamette Valley Lumber Co.
- ✧ Mid-Santiam, with Timber Service Company and Giustina Resources
- ✧ Calapooia Road, with Weyerhaeuser Co.

### McKenzie Ranger District

- ✧ McKenzie, with Giustina Resources

Although the cost-sharing mechanism for the remaining four areas have terminated, the reciprocally granted, perpetual easements are still in place. The Forest does not have an exact count of these easements but would *roughly* estimate 200.

## Issues

Management of the Willamette's transportation system requires an understanding of and attention to the legal rights and obligations of both private parties and the United States in that system.

- 1. *What is the level of road access to private inholdings (cost-share roads) and what are the physical, biological and social impacts? Which inholdings are likely to require or be the source of requests for future access? Are there alternative routes or options for access to private inholdings where current access is creating adverse impacts?***
- 2. *What is the level of road access to lands managed by other federal agencies or the state.***
- 3. *What is the level or road access to easements/special use permits, recreation summer homes, mining claims, administrative sites (ex. grave), etc.?***

A detailed response to these questions cannot be prepared without additional data management and interaction with the Forest's neighboring private landowners and other governmental bodies. A visual display of the eight major cost-sharing areas is being prepared. Although the source documents for right-of-way grants to private parties are kept in the

Forest's files, no compilation of these documents has been undertaken (either by computerized database or mapping). Compilation of this information could be completed at the Forest level, given adequate staffing and funding, and would be beneficial to the management of its transportation system.

Unilateral action by the Forest Service on roads in which other parties have rights is rare. In cost share areas, it requires Washington Office oversight. In almost all cases, easements granted to private parties have some sort of due process provision for the private party included in the termination clause. Consequently, closing a road under easement or terminating that easement, and thereby terminating the private party's legal rights in the road, is complicated. The same would be true for relocation or reconstruction of roads under easement. An additional factor for shared roads is the cost the private party has assumed for construction of those roads.