

## **TITLE II & TITLE III PROJECT OVERVIEW**

Counties shall notify the Secretary of Agriculture through the State of its election of funds in Title II and Title III no later than September 30 of each fiscal year.

### **Title II Projects on Public Lands**

Projects recommended by Resource Advisory Committees (RACs) must be within the RAC boundary.

Environmental studies/federal laws followed - ordered by Secretary.

Project funds may be used by the Secretary for the purpose of making additional investments in, and creating additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implementing stewardship objectives that enhance forest ecosystems, and restoring and improving land health and water quality. Projects shall enjoy broad-based support with objectives that may include, but are not limited to-

- Watershed restoration and maintenance;
- Restoration, maintenance and improvement of wild-life and fish habitat;
- Improvements in forest ecosystem health;
- Road, trail, and infrastructure maintenance or obliteration;
- Soil productivity improvement;
- Control of noxious and exotic weeds; and
- Reestablishment of native species.

50% of project funds must be for:

- Road maintenance/obliteration or
- Watershed improvement/restoration

### **Submitting Title II Project Proposals**

- RACs shall submit project proposals to the Forest Supervisor by September 30 of each year.
- Each proposed project description should include the following:
  - The purpose of the project and a description of how the project will meet the purposes of the Act;
  - The anticipated duration of the project;
  - The anticipated cost of the project;
  - The proposed source of funding for the project, whether project funds or other funds;
  - Expected outcomes;
  - A detailed monitoring plan; and
  - An assessment that the project is to be in the public interest

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### **Evaluation and Approval of Title II Projects**

- The Forest Supervisor may make a decision to approve a project submitted by a RAC only if the proposed project satisfies each of the following conditions:
- The project complies with all applicable Federal laws and regulations;
- The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Forest Supervisor;
- The project has been recommended by the RAC in accordance with the Act;
- A project description has been submitted by the RAC to the Forest Supervisor in accordance with the Act;
- The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality;
- The Forest Supervisor may request that a RAC agree to use project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with a proposed project. If the RAC does not agree to the expenditure of funds then the Forest Supervisor shall consider the project withdraw from further consideration;
- A decision by the Forest Supervisor to reject a proposed project shall be at the Forest Supervisor's sole discretion. A decision by the Forest Supervisor to reject a proposed project shall not be subject to administrative appeal or judicial review.
- Within 30 days after the Forest Supervisor's decision to reject a proposed project, the Forest Supervisor shall notify the RAC in writing of the rejection and the reasons for rejection.
- The Forest Supervisor shall publish in the Federal Register a notice of each project approved if such notice would be required had the project originated with the Forest Supervisor.

### **Use of Title II Project Funds**

- After the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Forest Supervisor and the RAC shall enter into an agreement addressing, at a minimum, the following:
- The schedule for completing the project;
- The total cost of the project, including the level of agency overhead to be assessed against the project;
- For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out; and
- The remedies for failure of the Forest Supervisor to comply with the terms of the agreement consistent with current Federal law.
- The Forest Supervisor concerned may decide to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Forest Supervisor for the same purposes as the project.
- As soon as the Forest Supervisor and the RAC have reached agreement with regard to a project to be funded, the Secretary shall transfer the proper funds to the Forest Service.

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The Forest Service shall not begin a project until the Secretary has made the project funds available.

### **Availability of Title II Project Funds**

- By September 30 of each fiscal year through fiscal year 2006, a RAC shall submit to the Forest Supervisor a sufficient number of project proposals that if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.
- Unobligated project funds shall be available for use as part of a RAC project submission in the next fiscal year.
- Any project funds not obligated by September 30, 2007, shall be deposited in the US Treasury.

### **Title III Projects – Other County Projects**

- Title III projects approved by the county must be published in the local paper of record and opened for a 45-day public comment period.
- Authorized uses for Title III projects include:
  - Search, rescue and emergency services on federal lands (including fire fighting)
  - Community service work camps on federal lands
  - Easement purchases – easements for non-motorized access to public lands for hunting, fishing and other recreational purposes; or conservation easements
  - Forest related after school programs
  - Fire prevention and county planning
  - Community Forestry – non-federal cost share of the Cooperative Forestry Assistance Act of 1978
- Funds shall be available for expenditure by the county and shall remain available until expended in accordance with Title III.