



Hoosier National Forest Highlights



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Issue 34

April 1, 2010

Being a Neighbor to the Hoosier National Forest

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Miles of county road cross the Hoosier National Forest many which have small, 120 to 600 acre, tracts of private land scattered amongst the national forest. People often call to find out where the national forest boundaries are. They may be hunting and want to make sure they are not trespassing on private land. They may be interested in buying land adjacent to the national forest and want to know where the property ends. Or they may already own land adjacent to national forest and want to harvest timber and need to know where the property boundaries are.

A few weeks ago a neighbor called and asked for help with our common property line survey. We sent him a packet of information with known corner information but told him that we could not share in the cost of the land survey at this time. He stated there were some big trees along the property line. It is the landowner's responsibility to determine the property line since he was doing the timber harvest near the property line. He grumbled a bit, but chose to hire a surveyor. He was right in saying the property line trees were big. Those trees more than paid for his property line survey by a licensed surveyor. He later called back to say he was happy he got the land surveyed by a licensed surveyor.

Adjacent landowners often think they know where the property line is based on old fences and word of mouth. The Forest Service has investigated timber harvests on adjacent property and often find that neighbors "best guesses" have led them astray from the actual property lines. The only way to be sure of a property boundary is to have a licensed surveyor survey the lines. In past cases, once the surveys were completed we have found trees cut on Federal land. Landowners were then charged triple stumpage for the trespass and cited, or the Forest Service has requested payment for the property line survey. It's always cheaper to have the property surveyed before you take an action such as a timber sale or construct a fence or building.

Often, these incorrect boundaries lead neighbors to "use" a bit of Federal land as if it were their yard or personal property. National Forest are for use by everyone, the public can't enjoy the national forest when it appears to be your yard. This is type of trespass is subject to a violation notice with a fine or court appearance, and removal of the offending items, even if it is a building. Typical encroachments include dog houses, gas tanks, gardens, ponds, pens, fences, swing sets, and simply mowing extra areas. These

activities are illegal because the national forest cannot authorize private use of Federal land except under permit. There are very limited activities which qualify for these special-use-authorization permits.

Construction, reconstruction, use, and maintenance of roads, trails, and highways across national forest lands all require some form of authorization. Forest Service policy is to provide access across national forests when the applicant currently does not have access to their private property, cannot gain access across non-federal land, and cannot exercise existing rights of access across non-federal land. The access granted must be consistent with forest land and resource management plans and applicable laws and regulations. In some cases the authorization may already exist through a deed reservation, as an outstanding right, or as part of an authorized use of national forest land.

Many isolated tracts of Federal land have access by old roads across private lands. In most cases, these roads have legal entry for public access. Often, the particular county road is not maintained and may even be closed with a gate. County Commissioners can give up the counties legal rights to a road following a public hearing. However, the county cannot just abandon a road. Some roads are being opened to restore public access to public (Federal) land.

For additional information on any of these issues, please contact Tom Krueger, Special Uses Program Manager by email at tkrueger@fs.fed.us.



This picture shows an encroachment on National Forest where the house was built very close to the property line and several items were constructed across the line.