

**Forest Service Handbook
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**Forest Service Handbook 6509.11g – Service-Wide Appropriation Use Handbook
Chapter 40 - Capital Improvement and Maintenance and Land Acquisition**

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Digest: Following is an explanation of the changes throughout the directive by section.

40: Revises chapter caption from “Construction and Land Acquisition” to “Capital Improvement and Maintenance and Land Acquisition.” Revises the chapter with extensive updates for new appropriations and programs and makes editorial changes throughout.

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40.1 - Authority

40.11 - Capital Improvement and Maintenance

1. Act of March 4, 1913 (16 U.S.C. 501). This Act provides for 10 percent of forest receipts to be used for roads and trails. General Provisions of the Interior and Related Agencies' Appropriation Acts authorize the use of these funds to repair or reconstruct roads, bridges, and trails without regard to the State in which the receipt amounts were derived. *Note: beginning in fiscal year 2008 through the publication date of this directive, each annual appropriation act has required that the funds becoming available under the Act of March 4, 1913, shall be transferred to the General Fund of the Treasury.*
2. Department of Agriculture Organic Act of 1944 (7 U.S.C. 2250). Section 703 authorizes the erection, alteration, and repair of buildings and other improvements on Federal land that are necessary to conduct authorized work, provided provision is made in applicable appropriations.
3. National Forest Roads and Trails Act of 1964 (16 U.S.C. 532-538); Highways Act of 1958 (23 U.S.C. 205); National Forest Management Act of 1976 (16 U.S.C. 472a); Forest and Rangeland Renewable Resources Planning Act of 1974, Section 10(a), as amended (16 U.S.C. 1608). These Acts authorize the acquisition, construction, and maintenance of National Forest System roads and trails; cooperation with States, counties, and other subdivisions; construction of roads by timber purchasers; and election by timber purchasers to have the Forest Service construct the roads. Decommissioning of roads is not an allowable use of appropriations under the authorizing statute, 23 U.S.C. 205; however, since FY 1991, language in the annual appropriations acts has authorized use of a portion of roads funds for decommissioning.
4. Department of Agriculture Grants and Powers Act of 1965 (7 U.S.C. 2250a). Section 1 authorizes the erection of buildings and other structures on nonfederal land, with long-term lease and right-to-remove, and authorizes the use of appropriations for expenses necessary to acquire long-term lease.
5. National Trails System Act of 1968, as amended (16 U.S.C. 1241-1251). Sections 7 and 10 authorize the acquisition, exchange, and donation of land for the National Trails System and for development, management, and volunteer assistance on the system.
6. Forest and Rangeland Renewable Resources Research Act of 1978, as amended (16 U.S.C. 1643(a)). Section 3 authorizes the construction and acquisition of research laboratories and facilities and the acquisition of necessary land.
7. Boundary Waters Canoe Area Wilderness Act of 1978 (92 Stat. 1649). Section 18(e) authorizes the construction of dispersed recreation sites and trails outside the Boundary Waters Canoe Area Wilderness.

8. Healthy Forests Restoration Act of 2003 (Public Law 108-148, December 3, 2003).

This Act improves the capacity of the Secretary of Agriculture to conduct hazardous fuels reduction projects on NFS lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire. This Act also enhances efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire.

9. Commercial Spectrum Enhancement Act (CSEA) (December 23, 2004), P. L. 108-

494. Title II of this Act created the Spectrum Relocation Fund (SRF) to provide a centralized and streamlined funding mechanism through which Federal agencies can recover the costs associated with relocating their radio communications systems from certain spectrum bands, which were authorized to be auctioned for commercial purposes.

10. Consolidated Appropriations Act, 2008, December 26, 2007 (P.L. 110-161). This Act authorized a major, new strategic effort to repair roads and trails in environmentally sensitive areas, roads and trails damaged by recent storms, and roads which may harm community water systems.

11. The Forest Service Facility Realignment and Enhancement Act of 2005, August 2, 2005 (P.L. 109-54, Title V, 119 Stat. 559). This Act repeals the pilot conveyance program authorized by the FY 2002 Interior and Related Agencies Appropriations Act (P.L. 107-63) as extended by the FY 2003 Interior and Related Agencies Appropriations Act (P.L. 108-7), the Department of the Interior and Related Agencies Appropriations Act, 2004 (P.L. 108-108) (sec. 40.12, para. 17), the Omnibus Appropriations Act of FY 2009 (P.L. 111-8, Div. E, title IV, Section 422, March 11, 2009), and the Consolidated Appropriations Act of 2012 (P.L. 112-74, Div. E., Title III, December 23, 2011). The Forest Service Facility Realignment and Enhancement Act of 2005 authorizes the Secretary of Agriculture to convey unneeded or excess Forest Service administrative sites, by sale, lease, exchange, or a combination of sale and exchange. This authority extends to conveyances initiated by the Secretary before September 30, 2016.

12. The Disaster Relief and Recovery Supplemental Appropriations Act of 2008 (P.L. 110-329, Division B, Title I, Chapter 6). This act provides emergency supplemental financing for cleanup related to damages from hurricanes, floods, and other natural disasters.

40.12 - Land Acquisition

In addition to Acts establishing national recreation and wilderness areas, as well as other specific and related laws, appropriated funds for land acquisition are available for the specific purpose in each of the following separate authorizing acts:

1. Weeks Act of 1911, as amended (16 U.S.C. 516, 521b). Sections 1 and 2 authorize land acquisition for watershed protection and timber production. This is one of the primary authorities for land acquisition which uses Land and Water Conservation Fund moneys.

2. Act of March 3, 1925, as amended (16 U.S.C. 555). This Act authorizes the purchase of land for administrative sites when no suitable Government land is available. Appropriated funds must be available for the purpose for which the land is to be used. This authority is subject to an annual, service-wide limitation of \$50,000.
3. Act of June 22, 1948, as amended (16 U.S.C. 577h). This Act authorizes appropriations for purchase and condemnation of lands in northern Minnesota.
4. Department of Agriculture Organic Act of 1956 (7 U.S.C. 428a(a)). This Act authorizes the acquisition of land by purchase, exchange, or other means, to carry out authorized work, if the provision is made in applicable appropriations. This is one of the primary authorities for acquisition of lands which uses Land and Water Conservation Fund moneys.
5. Wilderness Act of 1964, as amended (16 U.S.C. 1121 note, 1131-1136). Sections 5 and 6 provide authority for acquisition, exchange, and donation of land for inclusion in the Wilderness System.
6. Land and Water Conservation Fund Act of September 3, 1964, as amended (16 U.S.C. 460l-4 to 460l-11). This Act provides for deposit of funds for the acquisition of lands and interests for recreation, threatened and endangered species habitat, preservation of wetlands, and other purposes.
7. Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1277). Sections 6 and 16 authorize land acquisition, exchange, and donation of land for inclusion in the Wild and Scenic River System.
8. National Trails System Act of 1968, as amended (16 U.S.C. 1241-1251). Sections 7 and 10 provide the authority for land acquisition, exchange, and donation for inclusion in the National Trails System.
9. Endangered Species Act of 1973 (16 U.S.C. 1534 and 1542). Sections 5 and 15 authorize the acquisition of land to protect threatened and endangered species.
10. Eastern Wilderness Act of 1975 (16 U.S.C. 1132 note). Sections 6 and 9 authorize the acquisition, exchange, and donation of land for inclusion in the Eastern Wilderness system.
11. Act of October 10, 1978 (7 U.S.C. 2269). This Act authorizes the acceptance of donations of land or interests in land.
12. Boundary Waters Canoe Area Wilderness Act of 1978 (92 Stat. 1654). Section 7(d)(3) authorizes funding to acquire land and water within the designated wilderness. Also, see Act of June 22, 1948, as amended (16 U.S.C. 577h), cited in paragraph 3.
13. Lake Tahoe Basin Act of 1980 (94 Stat. 3383). Section 3 authorizes land acquisition within the Lake Tahoe Basin.

14. Burton-Santini Lake Tahoe Basin Act of December 23, 1980 (Pub.L. 96-586). Section 2(g) of this Act authorizes payments to localities for water pollution control, soil erosion mitigation, or land acquisition by local government authorities within the Lake Tahoe Basin. For Lake Tahoe Basin annual land acquisitions, expenditures are limited to 15 percent of the Land and Water Conservation Fund Appropriation, as authorized by section 3 of the Act.
15. Columbia River Gorge National Scenic Area Act of 1986 (16 U.S.C. 544g and 544n). Sections 9 and 16a of the Act authorizes land acquisition within the Columbia River Gorge National Scenic Area.
16. Southern Nevada Public Land Management Act of 1998 (Pub.L. 105-263). This Act authorizes proceeds from the sale of public lands in Southern Nevada to be used to acquire environmentally sensitive lands in the State of Nevada. Lands acquired that are within the boundaries of a unit of the NFS, become part of that unit.
17. FY 2002 Interior and Related Appropriations Act, P.L. 107-63. Section 329 (a) authorized a pilot program in which excess Forest Service facilities and structures were sold and receipts retained and used until expended. The pilot program was extended twice, first by the FY 2003 Interior and Related Appropriations Act, P.L. 108-7, Title III, General Provisions, Section 325, then by the Department of the Interior and Related Agencies Appropriations Act, 2004, P.L. 108-108, Title III, General Provisions, Section 322. The pilot program authority, however, was repealed by the Forest Service Facility Realignment and Enhancement Act (sec. 40.11, para. 11).
18. Virginia Land Conveyance and Improvement Act, P.L. 105-171 (112 Stat. 50-52). This Act authorizes the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other lands in the George Washington National Forest and the Jefferson National Forest, and to use the value derived therefrom to acquire a replacement site and to construct on the site suitable improvements for national forest administrative purposes.
19. Rogue River Conveyance and Improvement Act, P.L. 105-282 (112 Stat. 2698-2699). This Act authorizes the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.
20. Mississippi National Forest Improvement Act of 1999, P.L. 106-113 (113 Stat. 1501A-210 - 1501A-214). This Act authorizes the Secretary of Agriculture to sell or exchange any or all right, title, and interest of the United States in and to the eleven tracts of land described in the Act and the proceeds retained without further appropriation, available until expended for (1) the construction of a research laboratory and office facility at the Forest Service administrative site located at the Mississippi State University at Starkville, Mississippi; (2) the acquisition, construction, or improvement of administrative facilities in connection with units of the National Forest System (NFS) in

the State; and (3) the acquisition of land and interests in land for units of the NFS in the State.

21. Terry Peak Land Transfer Act of 1999, P.L. 106-138 (113 Stat. 1693-1695). This Act requires the conveyance of certain NFS lands at the Terry Peak Ski Area to the private ski area owners and to utilize the proceeds to acquire more desirable lands for the United States for permanent public use and enjoyment.

22. Boise Laboratory Replacement Act of 2000, P.L. 106-291 (114 Stat. 1004-1006). This Act authorizes the Secretary to do the following: (a) to sell or exchange the land and improvements currently occupied by the Boise laboratory site; and (b) to acquire land, facilities, or interests in land and facilities, including condominium interests, to co-locate the Rocky Mountain Research Station Boise laboratory with one of the State institutions of higher learning in the Boise metropolitan area, using funds derived from sale or exchange of the existing Boise laboratory site.

23. Black Hills National Forest and Rocky Mountain Research Station Improvement Act, P.L. 106-329 (114 Stat. 1296-1298). This Act authorizes the Secretary of Agriculture to sell or exchange all or part of nine certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

24. Texas National Forests Improvement Act of 2000, P.L. 106-330 (114 Stat. 1299-1302). This Act authorizes the Secretary of Agriculture to convey nine certain administrative sites for NFS lands in the State of Texas, to convey certain NFS land to the New Waverly Gulf Coast Trades Center, and for other purposes.

25. Arizona National Forest Improvement Act of 2000, P.L. 106-458 (114 Stat. 1983-1986). This Act authorizes the Secretary of Agriculture to convey six certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

26. San Bernardino National Forest Land Conveyance and Settlement, P.L. 106-434, (114 Stat. 1912-1915). This Act provides for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

27. Bend Pine Nursery Land Conveyance Act, P.L. 106-526 (114 Stat. 2512-2514). This Act authorizes the Secretary of Agriculture to sell or exchange all or part of seven certain administrative sites and other NFS land in the State of Oregon and use the proceeds derived from the sale or exchange for NFS purposes.

28. Florida National Forest Land Management Act, P.L. 108-152 (117 Stat. 1919-1922). This Act authorizes the Secretary of Agriculture to sell or exchange 17 certain parcels of land in the State of Florida, and for other purposes.

29. Coconino and Tonto National Forest Land Exchange Act, P.L. 108-190 (117 Stat. 2867-2870). This Act provides for the exchange of five certain parcels of land in the Coconino and Tonto National Forests in Arizona, and for other purposes.

40.5 – Definitions

Maintain Facilities – Maintenance is the act of keeping fixed assets in acceptable condition. It includes repairs, preventive maintenance, and replacement of parts and structural components. Maintenance projects funded within this activity have costs exceeding \$250,000 and the work pertains to recreation developed sites (such as campgrounds and day-use sites) and fire, administrative and other (FA&O) facilities. Maintenance excludes operation costs. The maintenance of facilities is essential to reduce energy and water consumption across the agency, and to create a sustainable network of facilities that meet Forest Service needs while reducing their environmental and climate impact.

Improve Facilities – Capital improvement projects for FA&O and recreation sites are included in this activity. Capital improvements include construction of new facilities, alteration of existing facilities to change function, and expansion of facilities to change capacity to meet needs that are different from the original intent. Improvements are often required to expand public service capability or recreational opportunities. In many cases, capital improvements eliminate deferred maintenance.

41 – Facilities Capital Improvement and Maintenance - Treasury Symbol 12X1103

41.1 - Facilities Capital Improvement and Maintenance – Fund CMCM and Program CMFC

The facilities program supports agency mission activities by administering facilities and sites used for recreation, research, and fire, administrative and operations (FA&O) purposes. This program includes carrying out maintenance, capital improvement, and management on over 17,600 recreation sites and approximately 23,400 research, recreation, and other administrative buildings.

Master Plans for Forest Service FA&O facilities and the Recreation Facility Analysis (RFA) 5-year programs of work address the agency's long-term strategic asset management objectives. These objectives include reducing long-term operation and maintenance costs, reducing deferred maintenance, disposing of unnecessary assets, and identifying and mitigating significant potential threats to employee and public safety.

Facilities maintenance and improvement activities are also funded by the Deferred Maintenance and Infrastructure Improvement budget line item (sec. 41.3). FA&O facilities are also funded through the Facilities Maintenance Multi-program Assessment funds (sec. 41.4), Federal Land and Facility Enhancement Fund (FSH 6509.11g, ch. 60), and the Operation and Maintenance of Quarters Fund (FSH 6509.11g, ch. 60). In addition to appropriated funds, annual maintenance and repairs to recreation facilities are also funded through other special authorities, including the Federal Lands Recreation Enhancement Fund (FSH 6509.11g, ch. 60) and the Timber Sales Pipeline Restoration Fund (FSH 6509.11g, ch. 60). Through the use of these funds the Forest

Service is able to operate and maintain many of its recreation facilities that might otherwise have been closed due to increasing costs.

The agency accomplishes valuable facility work by leveraging funds for completing these activities through partnerships. Volunteers, concessionaires, and other partners are engaged to enhance recreation experiences and help maintain nearly 70 percent of agency-owned recreation sites. The agency also co-locates with other Federal and non-governmental agencies to share facilities and thereby lower operation costs.

1. FA&O facilities include the following:

- a. Fire facilities, such as airtanker bases, lookouts, airports, heliports, and fire management centers;
- b. Administrative facilities, such as administrative offices (ranger district offices, forest supervisor offices, regional offices, research stations and laboratories), and service and storage buildings; and
- c. Other facilities, such as Forest Service telecommunication facilities, towers, dams, and recreation visitor centers.

2. Facility program priorities for CMFC funds are the following:

- a. Eliminating health and safety risks at agency owned buildings and recreation sites;
- b. Reducing critical deferred maintenance on aging infrastructure, thereby improving the agency's ability to successfully perform its mission;
- c. Repairing and improving those facilities (including buildings, water and wastewater systems, dams, and recreation sites) that;

(1) Receive public use, and

(2) Are critical to supporting agency operations, including those facilities that were built or restored with funding authorized by the American Recovery and Reinvestment Act of 2009 (ARRA).

3. The CMFC Facilities Program consists of two activities, "Capital Improvement" and "Maintenance". The terms capital improvement and maintenance are used as defined by the Federal Accounting Standards Advisory Board (FASAB) Accounting Standards No. 6 (GPO # 041-001-00462-9).

41.11 – Facilities Capital Improvement

Capital improvement projects for fire, administrative, and other (FA&O) facilities and recreation sites are included in this activity. Capital improvements have costs greater than \$250,000, and include construction of new facilities, alteration of existing facilities to change function, and expansion of facilities to change capacity to meet needs that are different from the original intent.

Such alterations and expansions pertain equally to agency owned and leased facilities (FSH 6509.19, ch. 20). Improvements are often required to expand public service capability or recreational opportunities. In many cases, capital improvements eliminate deferred maintenance.

41.11a – Facilities Major Projects

Use CMFC funds to finance projects with costs greater than \$250,000 for maintenance, capital improvement, or disposal, approved on the capital investment project list. These projects pertain to recreation, fire, administrative, and other buildings and facilities program areas. The capital investment project list is approved annually and set forth in the fiscal year program direction publication, available on the following website:

<http://www.fs.fed.us/aboutus/budget/index.shtml>.

41.11b – Facilities Minor Projects

Use CMFC funds to finance projects with costs less than \$250,000 for minor construction related to recreation facilities or fire, administrative, and other facilities.

41.11c – Drinking Water Systems

Use CMFC funds to remediate water systems to ensure compliance with state and local requirements. Make critical health and safety repairs and replacements or decommissioning.

41.11d – Maintain and Improve Recreation Sites

The Recreation Facility Analysis and Recreation Site Improvement (RSI) process identifies actions needed to reduce deferred maintenance on high priority sites and improve visitor services. Use FDFD/FDRF funds for recreation facilities' deferred maintenance projects.

41.11e – Maintenance Activities Less Than \$250,000

To finance maintenance activities less than \$250,000, see section 41.4, program CP09.

41.11f – Permanent, Trust, and Partnership Financing

Use permanent, trust, and partnership funds exclusively or in combination with CMFC funds to construct facilities; however, it must be documented that the primary purpose of the facility operations is the program delivery of these funds.

41.11g – Structures Benefitting Particular Programs

Use the primary purpose principle to determine the appropriate program to finance the construction costs of a temporary structure built to benefit a particular program, and where the structure is not included in the inventory of assets.

41.11h – Stewardship Asset Construction

Use the primary purpose principle to determine the appropriate program to finance the construction costs of a stewardship asset.

41.11i – Parking Areas

The financing for parking areas is divided into 2 activities, the original construction and subsequent maintenance and improvements, as follows:

1. Original Construction – Parking areas are integral parts of the site development, and as such, are financed by the same program used for site construction.
2. Subsequent Maintenance and Improvement – Parking area maintenance and improvement are financed in various methods, according to the location of the parking area, as follows:
 - a. Parking areas within a campground may be financed with program CMRD, CMII, TRTR, or CMLG, as published in the primary purpose guidance in the current program direction publication, chapter 3, available on the following website: <http://fsweb.wo.fs.fed.us/results/>
 - b. Parking areas at FA&O sites.
 - (1) Urban Setting on a Public Road. In an urban setting, where the administrative location is on a public road, use facilities funds (programs CMFC and CP09, depending on project amount) to finance the maintenance and improvement of the parking area (see sec. 41.12).
 - (2) Non-Urban Setting on a System Road. In a non-urban setting, where the administrative location has parking areas contiguous to a system road, finance maintenance and improvement as follows:
 - (a) For parking areas serving both the public and employees, finance maintenance and improvements with program CMRD, CMII, TRTR, or CMLG, as published in the primary purpose guidance in the current program direction publication, chapter 3, available on the following website: <http://fsweb.wo.fs.fed.us/results/>
 - (b) For parking areas where only employees park, use facilities funds (programs CMFC and CP09, depending on the project amount) to finance the maintenance and improvement of the parking area (see sec. 41.12).

41.12 – Facilities Maintenance

Maintenance is defined as the act of keeping fixed assets in acceptable condition. It includes repairs, preventive maintenance, replacement of parts and structural components. Maintenance

excludes operation costs. The maintenance of facilities is essential to reduce energy and water consumption across the agency, and to create a sustainable network of facilities that meet Forest Service needs while reducing their environmental and climate impact. See section 41.4 for facilities maintenance projects with costs of \$250,000 or less.

41.12a – Facilities Maintenance Projects Exceeding \$250,000

Maintenance projects for facilities identified in section 41.1 with costs greater than \$250,000 must be approved on the capital investment project list and are funded with CMFC.

41.12b – Facilities Maintenance Projects \$250,000 or Less

See section 41.4 for the financing of facilities maintenance projects costing \$250,000 or less.

41.12c – Prohibited Uses of CMFC Funds

There are facility maintenance projects for which CMFC financing is inappropriate. Examples of prohibited work are as follows:

1. Maintenance projects costing less than \$250,000 on fire, administrative, and other facilities.
2. Maintenance of special-purpose buildings and equipment, such as repeaters, radios, and radio systems that are charged through the cost allocation process. This prohibition includes any equipment owned or operated by the Office of the Chief Information Officer (OCIO).
3. Maintenance of general-purpose buildings when the building is used solely for work activities financed by other funds, such as Knutson-Vandenberg (K-V), brush disposal, research, or salvage sales.

41.13 – Facility Financing From the Working Capital Fund

Only buildings that are capitalized in the Working Capital Fund (WCF) are eligible to be maintained using WCF funds (for example, nursery buildings). Any replacement activities involving the WCF must be coordinated through both the Regional Forester and the Washington Office Director of Engineering.

41.2 – Fire Facilities Backlog – Fund CMCM - Program CMC2

The allocation of CMC2 funds has ended, but the program's description is included here to provide information for employees and auditors engaged in managing and auditing active obligations.

Use CMC2 funds for the maintenance and capital improvement of the fire facilities infrastructure. Work includes renovations, rehabilitation, acquisition of buildings, and major site improvements to support firefighting activities, as well as disposing of deteriorated or otherwise

unneded facilities. The program focuses on rehabilitating and upgrading wildland fire management facilities to improve firefighting capabilities and readiness.

Fire facilities include the following:

1. Air tanker bases,
2. Crew quarters,
3. Fire engine storage buildings,
4. Helicopter bases and helipads,
5. Fire lookouts,
6. Flammable material storage facilities,
7. Warehouses,
8. Training facilities,
9. Smokejumper bases,
10. Water systems, and
11. Office space.

41.21 – Fire Facilities Work Projects

Fire facilities work projects include the completion of the following activities:

1. Deferred maintenance and/or health and safety requirements.
2. All project planning documents, lease agreements, and facility master plans.
3. Fire facilities, such as crew housing, specialized suppression equipment storage, or fire detection facilities, provided to communities that are at risk and where no reasonable alternatives exist.
4. Consolidation of existing facilities to maximize the effectiveness of fire suppression resources, and/or improve cooperation with other government and private partners.

41.3 – Infrastructure Improvement Deferred Maintenance – Fund CMCM - Program CMII

Use CMII funds to target any combination of fire, administrative, recreation, research or other facilities; roads; or trails for maintenance and capital improvement projects, or a combination thereof. All projects must ultimately address critical backlog maintenance needs on priority assets.

The primary goal of this program is to ensure the health and safety of the recreating public and agency employees by performing the following:

1. Maintaining and repairing infrastructure, and
2. Replacing obsolete and worn-out infrastructure with new assets meeting industry standards.

41.31 – Deferred Maintenance Work Projects

Deferred maintenance is maintenance work that was not performed when it should have been or when it was scheduled and therefore, put off or delayed for a future period. Deferred maintenance can lead to deterioration of performance, increased costs of repair, and a decrease in the value of the infrastructure. Deferred maintenance includes the repair, rehabilitation, or replacement of infrastructure. It includes work needed to meet laws, regulations, codes, best management practices, and other applicable standards. It also includes demolition, dismantling, and disposing of unneeded infrastructure.

Infrastructure improvement financing, program CMII, includes the construction of new infrastructure, alteration of existing infrastructure to change its function, and the expansion of existing infrastructure to increase capacity. Infrastructure improvement projects included in this program minimize or eliminate deferred maintenance.

41.32 – Other Funding and Strategy for Deferred Maintenance

See chapter 60 for descriptions of maintenance work funding available from the following:

1. The Land and Facilities Enhancement Fund (fund FDFD, program FDRF),
2. The Recreation Enhancement Fund (fund FDFD, program FDDS), and
3. The Quarters Maintenance Fund (fund and program QMQM).

Financing appropriate projects with these specific appropriations further reduces deferred maintenance and increases the facility condition index (FCI). Efficiencies are achieved in annual maintenance and operations by consolidating administrative sites at locations that better serve the public and agency needs.

41.4 – Facilities Maintenance Cost Pool – Fund CMFM and Program CP09

Use CP09 funds for FA&O buildings and facilities maintenance work that costs less than \$250,000 per project. Program CP09 receives its cost allocation financing from other funds available to the Forest Service, in amounts determined on a square foot rate and charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

42 – Roads and Trails – Treasury Symbol 12X1103

42.1 - Road Construction and Maintenance – Fund CMCM and Program CMRD

The National Forest Road System (NFRS) is an integral part of the rural transportation network. It is operated and maintained to provide safe access for resource program activities, including terrestrial and aquatic ecosystem management programs and programs that support public enjoyment by providing access to recreation sites, trailheads, and special areas. All resource and utilization programs are dependent upon the NFRS for access. The roads program includes provisions for the following:

1. Maintenance;
2. Capital improvement (including acquisition of rights-of-way);
3. Decommissioning of roads is not an allowable use of appropriations under the authorizing statute, 23 U.S.C. 205; however, since FY 1991, language in the annual appropriations acts has authorized use of a portion of roads funds for decommissioning.
4. Management of roads and bridges;
5. Engineering support for planning, including designs, plans, and estimates; and
6. Construction administration for roads needed for timber sale and land services contracts.

See section 41.11i for guidance pertaining to parking areas.

23 U.S.C. 205 authorizes these funds for the construction and maintenance of Forest Development Roads and Trails, as defined in 23 U.S.C. 101. The term “National Forest System Roads” is synonymous with “Forest Road” (FSM 7705). The terms “construction” and “maintenance” are defined in 23 U.S.C. 101.

The terms “Capital Improvement” and “Maintenance” are used as defined by the Federal Accounting Standards Advisory Board (FASAB) Accounting Standard No. 6 (GPO # 041-001-00462-9). System roads open for travel by passenger cars and other State highway legal vehicles (Maintenance Levels 3 through 5) are subject to the requirements of the Highway Safety Act. These roads provide access for emergency responders and are sometimes the only escape routes for forest users and local residents in the event of wildfire or other emergency situations. High clearance (Maintenance Level 2) and closed roads (Maintenance Level 1) are provided primarily for recreational access and administrative use.

42.1a – Roads Program

The roads program focuses on the work related to ensuring public safety, resource protection, and critical access needs, as follows:

1. Maintain Passenger Car Roads, High Clearance, and Closed Roads – These activities include the maintenance of existing system roads, bridges, and other vehicle access areas, such as parking lots. Maintenance activities include the actions necessary to preserve or restore a road to its original service level and condition to provide acceptable service and achieve its expected life. This includes maintenance of the travel ways; roadside vegetation; drainage facilities; structures, including bridges; and traffic control devices, including signs and gates. Maintenance includes the replacement of deficient bridges or culverts necessary to comply with safety requirements and environmental protection laws. Maintenance also includes road management and transportation planning. Transportation planning (travel management) helps identify opportunities to reduce the number of open roads and determine the appropriate service level for the roads remaining to obtain a sustainable transportation system. Engineering support costs are included in this activity only for road work that qualifies as maintenance. Engineering support for timber sale contracts under this activity includes the design, cost estimates, contract preparation, and contract administration to assure applicable safety and environmental standards are met.

a. Maintain Passenger Car Roads – The agency maintains approximately 65,800 miles of roads operated for passenger car use.

b. Maintain High Clearance and Closed Roads – This category includes maintenance for roads identified as an open route on a Motor Vehicle Use Map, to minimize or correct the environmental effects to resources, such as sediment loads in streams and lakes. The Forest Service maintains approximately 209,640 miles of road operated for high clearance vehicle use and 99,760 miles of closed or stored roads.

2. Improve Roads – These activities provide for capital improvements of system roads, including structures and other vehicle access areas, such as parking lots. Engineering support costs are included in this activity only for road work that qualifies as a capital improvement. Engineering support for timber sale contracts includes the design, cost estimates, contract preparation, and contract administration to assure applicable safety and environmental standards are met. Capital improvements include the following:

a. Adding new miles to the transportation system through new construction of roads and bridges, reclassifying unauthorized roads, and rights-of-way acquisition;

b. Changing the function of existing roads to accommodate different user types, such as changing a logging road to a recreation road; and

c. Increasing the capacity of an existing road, such as changing a single lane road or bridge to a two lane road or bridge.

3. Decommission Roads – This category includes eliminating unneeded roads or portions of the existing transportation system that duplicate access or create extensive environmental degradation. Decommissioning unneeded roads and structures eliminates the environmental effects of such roads by restoring land occupied by roads to a more natural state. Decommissioning is essential to operating a transportation system, within

available funding, that is sustainable in a safe and environmentally acceptable manner. Work priority is roads identified for decommissioning as part of the formal Transportation Analysis Process. Decommissioning of roads is not an allowable use of appropriations under the authorizing statute, 23 U.S.C. 205; however, since FY 1991, language in the annual appropriations acts has authorized use of a portion of roads funds for decommissioning.

42.1b – Roads Partnerships

The National Forest Roads and Trails Act of 1964 (P.L. 88-657, 16 U.S.C. 535) authorizes cooperative construction and maintenance of road systems. Under this authority, the Forest Service enters into “Cooperative Road Construction and Use Agreements” (cost share agreements) with the owners of large tracts of lands intermingled with National Forest System (NFS) lands. The Forest Service also enters into Forest Road Agreements with public road authorities, such as states and counties, where NFS access, local residential access, and local commerce needs coincide.

42.11 - Road Construction

Use CMRD funds for all necessary expenses of construction, reconstruction, and capital improvement of NFS roads. This includes location survey; design; preparation of contract plans and estimates; rights-of-way acquisition including negotiations and purchase; construction and construction contract administration.

42.12 - Road Maintenance

Use CMRD funds for management and maintenance of NFS roads, as follows:

1. Road Management. Include work, such as traffic studies and controls, ascertaining road jurisdictions, and managing road cost-share agreements.
2. Road Maintenance. Include work, such as planning, coordinating, inspecting, roadside brushing, surface grading, culvert cleaning, replacing damaged or depleted surfacing materials, repairing bridges and other structures, replacing damaged signs needed to maintain safe traffic flow, and processing and administration of road use permits. CMRD road maintenance funds are available for decommissioning NFS roads and unclassified roads, subject to authorizing language in the annual appropriation act and allocation of this authority in the annual program direction.

42.13 - Prohibited Uses of CMRD Funds

There are road-work projects for which CMRD financing is inappropriate. Examples of prohibited work are as follows:

1. To construct the parking lot at an administrative site, or the “spur” road at a campground, or a parking area at a trailhead. Parking areas and campground spurs are

integral parts of the site development, and as such, are financed by the same program used for site construction.

2. To decommission a road, unless there is authorizing language in the annual appropriations act.
3. To remove snow, except in emergency situations for protection of life and property or for official travel of road construction crews to and from work site.
4. To operate road features, such as gates, for purposes other than road user safety or protection of road investments.
5. To construct or reconstruct temporary roads for emergency use, such as insect control, flood, or fire suppression. These emergency roads are financed from the program that requires their construction.
6. To construct and maintain private or public roads under jurisdiction of other public road authorities, such as states and counties. CMRD funds may, however, be expended for construction and maintenance of public roads included in Cooperative Road Agreements (FSH 1509.11, sec. 23).
7. To construct or maintain roads for purposes other than management of NFS lands.
8. To incur incremental costs of constructing or maintaining NFS roads to standards greater than necessary for management of NFS lands. An example is a NFS road, intended for occasional use by trucks doing vegetation management and resource protection work, which residents on private lands within and adjacent to the national forest need to have in a condition suitable for continuous use by sedans, school buses, and mail delivery vehicles (16 U.S.C. 1608).

42.2 - Trail Capital Improvement and Maintenance – Fund CMCM and Program CMTL

Use CMTL funds for all costs associated with the capital improvement, operation, rehabilitation, and maintenance costs associated with trails in the Forest Service trail inventory; or are intended to become system trails. The trails program ensures public safety and backcountry access to over 148,000 miles of trails. The trails system accommodates cross-country skiing, hiking, horseback riding, mountain biking, snowmobiling, and off-highway vehicle use.

The trails program administers National Scenic and Historic Trails, including the Appalachian National Scenic Trail, Continental Divide National Scenic Trail, Florida National Scenic Trail, Pacific Crest National Scenic Trail, Nez Perce National Historic Trail, Arizona National Scenic Trails, Pacific Northwest National Scenic Trail, and portions of 15 other national scenic and historic trails. This administration is accomplished in coordination with other Federal public land agencies.

Trail maintenance and improvement may be funded by Capital Improvement and Maintenance-Deferred Maintenance and Infrastructure Improvement, Legacy Roads and Trails, and Permanent Appropriations-Roads and Trails (10 percent) Fund.

Use CMTL funds to finance partnership expenses with volunteers and youth organizations to operate, maintain, and construct trails. Trail crews are one of the primary means for the Forest Service to employ young adults and partner with local communities and interest groups.

The trails program is composed of two activities financed with CMTL funds, as follows:

1. Maintain Trails (both annual and deferred maintenance) – This activity includes the maintenance and operation of system trails, bridges, and trailheads. Maintenance activities include the actions necessary to preserve or restore a trail to its original condition in order to provide acceptable service and achieve the expected trail lifespan. Work includes clearing encroaching vegetation and fallen trees; and the repair, preventive maintenance, and replacement of trail signs, treadways, water drainage, and bridges. Trail maintenance provides trail accessibility and promotes ecosystem health by protecting soil, vegetation, and water quality. Validation and improvement of basic trails inventory, and collection of trail assessment and condition survey data is a priority to ensure that the agency has sound, accurate information on NFS trails. Trail maintenance reduces resource damage and improves safety conditions to provide a safe and a quality experience for trail users.
2. Improve Trails – This activity provides for the planning and design, new construction, alteration and expansion of trails, trail bridges, and trail components, such as barriers, culverts, fencing, and viewing platforms. Unneeded and user created trails are eliminated this program to benefit restoration of watersheds and wildlife. Work ensures trail systems are accessible, adequately designed, safe, and environmentally responsible. In many cases, capital improvements eliminate deferred maintenance.

42.3 – Legacy Roads and Trails – Fund CMCM - Program CMLG

CMLG funds are subject to all the standards and provisions in 23 U.S.C. 205 and are therefore subject to all the requirements and prohibitions set forth in this directive for programs CMRD for roads and CMTL for trails.

Use CMLG funds to finance repairs to roads and trails in environmentally sensitive areas, roads and trails damaged by storms, and roads and trails which may harm community water systems. Such projects include the following:

1. Road and trail decommissioning where:
 - a. Language in the annual appropriations acts has authorized use of a portion of roads funds for decommissioning. This language is essential because decommissioning of roads is not an allowable use of appropriations under the authorizing statute, 23 U.S.C. 205.

- b. Inaction can lead to water quality issues in streams and water bodies which support threatened and endangered species and community water systems; and
 - c. Roads and trails are unnecessary, undesired, and/or unauthorized;
- 2. Removal or replacement of stream crossing structures that are barriers to aquatic organism passage;
- 3. Road and trail repair and maintenance and associated activities as follows:
 - a. In environmentally sensitive areas;
 - b. On roads damaged by recent storms or events that do not qualify for emergency funding from Federal Highway Administration, under its Emergency Relief for Federally Owned Roads (ERFO) program;
- 4. “Low Impact Design” treatments which integrate natural hydrologic functions into road and trail design in order to replicate the natural processes of water storage, detention, infiltration, evaporation, and transpiration, or uptake by plants in order to reduce runoff volumes, attenuate peak runoff rates, and filter and remove pollutants from runoff and reconstruction of roads and trails;
- 5. Enhancements to watershed function that contribute to remediation of water quality problems in watersheds listed by the Environmental Protection Agency as impaired; and
- 6. Reduction of risks to human health and public safety, such as community drinking water, downstream communities/users, or traveler safety.

43 – Supplemental Funding (Disaster Emergency) – Fund CMCM

43.1 – Construction Disaster Fund Supplemental - Program CMDF

Use CMDF funds to repair damage to facilities and other improvements, financed by emergency supplemental appropriations. CMDF was originally established for the ice storms in Arkansas and Oklahoma during the winter of 2000-2001, but it is used as needed for more recent disaster relief.

43.2 – Construction Emergency Supplemental - Program CMES

Use CMES funds to repair damage to roads and trails, financed by emergency supplemental appropriations. CMES was originally established for the ice storms in Arkansas and Oklahoma during the winter of 2000-2001, but it is used as needed for more recent disaster relief.

Use CMES for necessary expenses, including cleanup, related to the consequences of hurricanes, floods, and other natural disasters that occurred in 2008.

43.3 – Watershed and Flood Prevention Emergency Supplemental - Program CMHU

Use CMHU funds for watershed and flood prevention and emergency conservation programs required for disaster recovery financed by emergency supplemental appropriations. CMHU was originally established for damage from hurricanes Fran and Hortense which impacted east coast states from South Carolina to Pennsylvania in September 1996. CMHU is now used as needed for more recent disaster relief.

44 – Other Capital Categories

44.1 – Radio Frequency Spectrum Relocation – Fund CMCM - Program CMSR

Use CMSR funds to finance costs associated with relocating radio communications systems from certain spectrum bands, which were authorized to be auctioned for commercial purposes. The Commercial Spectrum Enhancement Act (CSEA) appropriated such sums as are required for frequency relocation costs, which are financed by the auction proceeds described as follows: On September 18, 2006, The Federal Communications Commission (FCC) concluded an auction of licenses for Advanced Wireless Services (AWS) on the radio spectrum in the 1710 megahertz (MHz) to 1755 MHz bank that was used by Federal agencies at that time, which was paired with the 2110 MHz to 2155 MHz band in the auction. The AWS auction raised the funds to help finance the provision of innovative new wireless services to the commercial market. CMSR funds raised from the AWS auction are available until expended and subject to apportionment. No new or similar auctions are authorized.

45 – Land Acquisition and Exchange

45.1 – Land Acquisition – Land and Water Conservation Fund – Program LAAQ – Treasury Symbol 12X1101

Program LAAQ is not currently available as a funding source. If funds do become available in this account, the funds are used for land purchase and acquisition management as outlined in section 45.2, program LALW.

45.2 – Land Acquisition, Forest Service – Program LALW – Treasury Symbol 12X5004

Funds are appropriated annually from the Land and Water Conservation Fund, but are no-year appropriations to the Forest Service for acquisition of land pursuant to the Land and Water Conservation Act, as amended and other land acquisition authorities of the Forest Service (section 40.12).

1. Transaction Price. Use LALW funds for the following:
 - a. The actual cost of land purchased,
 - b. Cash equalization payments for those exchanges that would otherwise qualify for purchase using Land and Water Conservation Fund money, or

c. Critical inholdings pursuant to established guidelines and Congressional direction on critical inholdings.

2. Acquisition Management. Use LALW funds for the cost of planning and processing acquisition cases including those exchanges and donations that qualify for purchase using L&WCF dollars. Use the primary purpose principle to determine the appropriate financing source for necessary acquisition activities, such as:

- a. Environmental analysis including biological evaluations and cultural resource surveys.
- b. Surveys for hazardous materials and waste.
- c. Appraisals, title investigations, and surveys.

45.3 – Land Acquisition, Special Acts – Treasury Symbol 12Y5208 – Fund ACAC – Program ACAC

Land Acquisition, Special Acts funds are appropriated annually from forest receipts generated by the occupancy of public land, or from the sale of natural resources other than minerals. Receipts appropriated for land purchase are exempted from the provisions of Title 16, United States Code, sections 500 and 501 (16 U.S.C. 500-501), known as the Payments to States. All funds appropriated that remain unobligated at the end of the fiscal year are returned to the receipts of the affected national forests and disposed of in the same manner as other national forest receipts.

Use Land Acquisition, Special Acts (program ACAC) funds to purchase land. In addition, an amount up to 10 percent of the land value may be used for the cost of planning and processing cases that are related to the land acquisition when the purchase is considered necessary to minimize soil erosion and flood damage. See additional purposes under Toiyabe National Forest (para. 3). Limit expenditures for each national forest to amounts allocated and receipts actually available to the Forest Service. See other restrictions under each authority cited in section 40.12, paras. 1-3. This appropriation is available only for land acquisition within the exterior boundaries of the following national forests:

1. Cache National Forest, Utah, Act of May 11, 1938 (58 Stat. 347), as amended by the Act of May 26, 1944 (58 Stat. 227). Use of Land Acquisition, Special Acts (program ACAC) funds is restricted to the purchase of lands in the State of Utah. All lands acquired are subject to and administered under the laws applicable to lands acquired under the provisions of the Weeks Act of March 1, 1911 (16 U.S.C. 519, 520, and 521).
2. Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), as amended by the Act of May 26, 1944 (58 Stat. 227). Use of Land Acquisition, Special Acts (program ACAC) funds is restricted to the purchase of lands in the State of Utah within the boundaries of the Uinta and Wasatch National Forests. Appropriation of receipts for land purchase shall have no effect on payments to the State of Idaho under 16 U.S.C. 500 and 501. In order to maintain the integrity of the distribution of receipts between the States of Utah and Idaho, any funds appropriated from the receipts of either

forest may only be used to purchase land on the same national forest. All lands acquired are subject to and administered under the laws applicable to lands acquired under the provisions of the Weeks Act of March 1, 1911 (16 U.S.C. 519, 520, and 521).

3. Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended by the Act of May 26, 1944 (58 Stat. 228). Use of ACAC funds is restricted to the purchase of land in the State of Nevada, not to exceed \$10,000 per annum. The Act contains no restriction as to the effect on payments to the State of California. Therefore, any funds from the whole forest are available up to the stated limit. In addition to purchasing land to minimize soil erosion and flood damage, this fund may also be used to purchase land to promote efficiency and economy of administration. All lands acquired are subject to and administered under the laws applicable to lands acquired under the provisions of the Weeks Act of March 1, 1911 (16 U.S.C. 519, 520, and 521).

4. Angeles National Forest, California, Act of June 11, 1940 (54 Stat. 299). Use Land Acquisition, Special Acts (program ACAC) funds for purchase of lands within the boundary of the Angeles National Forest.

5. Cleveland National Forest, California, Act of June 11, 1940 (54 Stat. 297). Use of Land Acquisition, Special Acts (program ACAC) funds is restricted to the purchase of land in San Diego County, California. Funds must be derived from the portion of receipts of the Cleveland National Forest that are equal to the proportion of the area of the forest that is in the county of San Diego, California.

6. San Bernardino and Cleveland National Forests, California, Act of June 15, 1938 (52 Stat. 699), as amended by the Act of May 26, 1944 (58 Stat. 228). Use of Land Acquisition, Special Acts (program ACAC) funds is restricted to the purchase of land in Riverside County, California. Funds must be derived from the portions of receipts of the San Bernardino and Cleveland National Forests that are equal to the proportion of the area of each national forest that is in the county of Riverside. All lands acquired are subject to and administered under the laws applicable to lands acquired under the provisions of the Weeks Act of March 1, 1911 (16 U.S.C. 519, 520, and 521).

7. Sequoia National Forest, California, Act of June 17, 1940 (54 Stat. 402). Use Land Acquisition, Special Acts (program ACAC) funds for the purchase of lands within the boundary of the Sequoia National Forest.

45.4 – Acquisition of Land to Complete Land Exchanges – Treasury Symbol 12X5216

45.41 – Land Exchange Acquisitions – Fund EXEX, Program EXEX

This appropriation, Land Exchange Acquisitions (program EXEX), is authorized by the Act of December 4, 1967, as amended (16 U.S.C. 484a), commonly known as The Sisk Act. All deposits received during the previous fiscal year are made available by the annual appropriation act. The authorizing legislation provides for cash deposits of a portion or all of the value of the selected lands in exchange cases with States, local governments, and public school districts or

other public school authority, to be used to purchase similar lands, or in cases of special legislation, for authorized expenditures from funds deposited by non-federal parties.

Collections deposited in the special receipt account are made available by annual appropriation to meet specific land acquisition needs. Lands acquired with these funds must be in the same State and must have the same status as the selected lands involved in the exchange. Identify each collection and expenditure by the class of land and the State in which the selected lands are located. Land Exchange Acquisitions (program EXEX) funds may be used for cash equalization payments in qualified land exchanges (same state, same purpose, non-federal lands). No condemnation or declarations of taking shall be financed with Sisk Act funds. In addition, a portion of the deposit up to 10 percent of the land value may be used for the cost of planning and processing cases that are related to the land acquisition.

45.42 – Conveyance of Administrative Sites – Fund EXSC, Program EXSC

The Forest Service is authorized to retain the proceeds from the conveyance of administrative sites' excess structures and expend the receipts for maintenance, rehabilitation, and construction for specified projects that have received concurrence from both the House and Senate Committee on Appropriations.

45.43 – Site-Specific Lands Acts – Fund EXSL, Program EXSL

Several special site-specific Acts were passed by Congress (sec. 40.12, paras. 20-29). These pertain to the sale of Forest Service land and the use of retained receipts to make specific improvements. Use the proceeds from each of these transactions in strict accordance with the terms and provisions of the authorizing legislation. The collected receipts under these Acts are deposited in program EXSL, and are available without further appropriation.