

MASTER AGREEMENT
BETWEEN
DEPARTMENT OF DEFENSE
AND
DEPARTMENT OF AGRICULTURE
CONCERNING

THE USE OF NATIONAL FOREST SYSTEM LANDS FOR MILITARY ACTIVITY

I. PREFACE

A. National Forest System lands provide for the use and enjoyment of the public and are managed under multiple use and sustained yield concepts. The use of these lands for military training activities is within the statutory authority of the Act of June 4, 1897.

B. The availability of National Forest System lands to the Department of Defense provides a variety of geographic and topographic settings to conduct training activities. This is an important resource for developing a strong National defense.

C. Therefore, training activities on National Forest System lands will be authorized when compatible with other uses and in conformity with applicable forest plan(s), provided the Department of Defense determines and substantiates that lands under its administration are unsuitable or unavailable.

D. This agreement does not apply to the use of airspace over National Forest System lands unless directly associated with the land based training.

II. PURPOSE

The purpose of this Master Agreement is to establish procedures for planning, scheduling and conducting authorized military activities on National Forest System lands. It also establishes policies and procedures for supplemental agreements and special use authorizations which are required for all Department of Defense activities (including National Guard and Reserve activities) using National Forest System lands. This agreement replaces the Joint Policy Statements between the Department of Agriculture and (a) the Department of the Army signed July 3, 1951; the Department of the Navy, signed February 19, 1952; and the Department of the Air Force, signed September 12, 1951, which are hereby rescinded.

III. COORDINATION AND COOPERATION

To facilitate the orderly development, management, and administration of National Forest System lands and to provide suitable and appropriate lands to further the National defense effort, the Department of Defense and the Department of Agriculture jointly agree:

A. Availability of Department of Defense Lands - Prior to requesting use of National Forest System lands, the Department of Defense will determine if lands administered by the Department of Defense are available and suitable. In all cases where a special use authorization or supplemental agreement to use National Forest System lands is proposed, Department of Defense will forward its analysis and determination as to the unsuitability or unavailability of DoD land to the affected Forest Supervisor.

B. Planning For the Use of National Forest System Lands - Military training activities on National Forest System lands are actions which require the analysis of environmental impact in conformance with the National Environmental Policy Act (NEPA) and other statutory and regulatory requirements. The Department of Defense and the Department of Agriculture, Forest Service, will cooperate to accomplish appropriate NEPA compliance. The lead agency concept in 40 CFR 1501.5 will be applied to the process except in cases involving classified activities. In such cases, the Department of Defense Component will be the lead agency.

C. Management

1. Periodically conduct joint reviews of selected activities for the purpose of: (a) determining the effectiveness of supplemental agreements so that the management and mission of both agencies are accomplished; (b) identifying and recommending solutions to existing and potential problems; and (c) monitoring the implementation and effectiveness of environmental mitigation measures.
2. Jointly identify rights-of-way or other authorizations required to implement supplemental agreements or special use authorizations.
3. Have their respective agents mutually refer unresolved points of disagreement to the next higher management level for resolution.

IV. DEPARTMENT RESPONSIBILITIES

IT IS AGREED THAT:

A. The Department of Defense Components will:

1. Provide to the affected Forest Supervisor the analysis and determination as to the unsuitability or unavailability of Department of Defense lands.
2. Involve the Forest Service designated representative in the initial planning stages of activities proposed on National Forest System lands.
3. During initial planning, provide an unclassified description of proposed activities to the affected Forest Supervisor and cooperate in fulfilling requirements of the National Environmental Policy Act and conducting appropriate environmental analyses.
4. For each training activity, identify a representative of the Department of Defense to serve as liaison to the Forest Service.

5. Cooperate with Forest Service representatives to comply with the terms of this Master Agreement, supplemental agreements, and special use authorizations.
6. Reimburse the Forest Service for costs directly attributable to military training activities, subject to the availability of appropriated funds. This may include, but is not limited to, the preparation and processing of applications, preparation of environmental documents, administration of special use authorizations, and Forest Service liaison officers' time.
7. Explore land interchange as an alternative or mitigating measure when military training activities are not in conformance with the affected Forest Plan.
8. Make every effort to avoid degradation of National Forests and provide for restoration as agreed in the special use authorization.
9. Provide for mitigation measures identified in the environmental analysis and agreed in the special use authorization.

B. The Department of Agriculture, Forest Service will:

1. Make National Forest System lands available for military training activities when such activities can be made compatible with other uses and conform with applicable forest management plans, provided the Department of Defense determines and substantiates that lands under its administration are unsuitable or unavailable.
2. Cooperate with the Department of Defense to expedite decisions associated with military training activities on National Forest System lands.
3. Fully consider all proposals and, when necessary, develop alternatives that may meet the needs of the Department of Defense and the Department of Agriculture, Forest Service.
4. Ensure that applicable forest management plans include military training activities. Requirements for these activities should be coordinated with the Department of Defense during formulation and development of those plans.

V. SPECIAL USE AUTHORIZATION

The special use authorization for a Department of Defense activity on National Forest System lands requires, but need not be limited to, the following:

1. Identification of National Forest System lands required for the activity.
2. Duties and responsibilities of each agency in the planning process.
3. Procedures for resolving issues, misunderstandings, or disputes.
4. Identification of rights-of-way and other authorizations which may be needed outside the activity area.

5. Incorporate, develop, or reference a basic plan covering monitoring, fire protection and control, public health and safety, recreation, watershed, minerals, timber, grazing, fish, wildlife, public notification, and other appropriate features.

6. Assign responsibilities for restoration of the site. Restoration shall be subject to the availability of appropriated funds.

7. Provide procedures for emergency cessation of military activities where necessary to protect public health, safety or the environment.

VI. SUPPLEMENTAL AGREEMENTS

For recurring Department of Defense activities on Forest Service lands, supplemental agreements to this master agreement may be developed. Within 12 months following the effective date of this agreement, representatives of the Departments of Defense and Agriculture, Forest Service, shall agree upon a schedule for the revision of any existing supplemental agreement which requires modification to conform with this master agreement.

VII. DELEGATION

Authorized representatives of the Forest Service and the Department of Defense may execute special use authorizations and enter into supplemental agreements within the scope of this document.

VIII. MODIFICATION AND TERMINATION

This agreement may be modified or amended upon request of either Department and the concurrence of the other. This agreement may be terminated with 60-day notice of either party.

IX. IMPLEMENTATION

This agreement becomes effective when signed by both parties.

Secretary of Defense

Secretary of Agriculture

Date: 22 SEP 1988

Date: Sept 30, 1988