

3 – EASEMENTS FOR PRIVATE ACCESS ACROSS PUBLIC LANDS



Living next to or within a National Forest may seem ideal, and it does offer many benefits – however, it also means that “multiple use” will be your next-door neighbor. This means the public may be hiking, camping, hunting, horseback riding, motorcycling, driving, or parking nearby. In addition, cattle and sheep may be grazed, timber harvested, oil and gas wells drilled, or ore mined nearby. Adjacent public lands may also be exchanged into private ownership in the future to achieve better land management.

Landowners with property inside a National Forest boundary are legally entitled to access that allows for “reasonable use and enjoyment” of their property, but first a permit or easement is necessary to construct driveways or new roads across federal lands. The Forest Service determines the terms of such access in a manner that will best protect natural resources, the public interest, and the agency’s management options. If the private property is adjacent to the boundary of the National Forest, a request for construction of an access road across federal lands will be considered **only** if no other access exists, and the request is in the public’s best interests.

ACQUIRING EASEMENTS and PERMITS:

Providing access to private land is not part of the mission of the U.S. Forest Service, and Forest roads are not designed or constructed to offer year-round, all-weather access to residential and commercial developments. Heavy construction traffic and multiple trips in wet weather can cause severe damage to Forest roads. The Forest Service is also not responsible for providing access for emergency vehicles to private property.

If you desire authorization to construct a driveway across National Forest lands, your primary costs will be in construction, because roads on public lands must conform to Forest Service (and possibly County) standards, and the landowner must pay engineering costs. If you wish to use an existing Forest Service road, it may require reconstruction to handle new types of access.



You should not plan your building schedule prior to acquiring an easement. Any surface disturbance on federal lands to access a building site is illegal, until an easement is granted. The first step is to schedule a pre-application meeting with the Forest Service office nearest your property to learn how to submit a proposal. You may not start the process if you do not legally own the private property for which you are seeking access.

If an application for a permit or easement is accepted, you will be assessed a fee to cover the administrative processing costs, and monitoring of construction and rehabilitation. Paying these fees does not guarantee approval of your application. An easement will not be granted if access can be reasonably located elsewhere. The Forest Service is not obligated to grant a route offering the most direct, economical, or convenient access.

The agency may also request a reciprocal right of way. An environmental analysis may be conducted to study how your proposed use will impact public lands. Other agencies with jurisdiction may be consulted, and the public must be allowed at least one month to comment on your proposal. If you receive an easement, an annual land-use fee will be charged for authorization of access. In addition, road easements and permits include ongoing maintenance specifications, which may result in significant and perpetual costs to the landowner.

When you apply for a road easement, you may include a request for an authorization to remove snow. Removing snow without authorization is a violation of federal regulations, and would subject you to fines (*See Snow Removal- You Need a Permit!*).