



## Secure Rural Schools Program, 2008-2011

### Title II – Special Projects on Federal Land

- Title II projects are recommended by resource advisory committees and approved by the Secretary or designee such as Forest Supervisor or District Ranger. Title II funds may be used for 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 not limited to:
  - Road, trail, and infrastructure maintenance or obliteration;
  - Soil productivity improvement;
  - Improvements in forest ecosystem health;
  - Watershed restoration and maintenance;
  - Restoration, maintenance and improvement of wildlife and fish habitat;
  - Control of noxious and exotic weeds; and
  - Re-establishment of native species.
- At least 50 percent of all Title II funds must be used for projects that are primarily dedicated to:
  - Road maintenance, decommissioning, or obliteration; or
  - Restoration of streams and watersheds.
- Title II projects recommended by Resource Advisory Committees (RACs) must be within the RAC's geographical boundary.

### Submitting Title II Project Proposals

- The Act requires RACs to submit Title II project proposals to the Secretary by September 30 of each year. Most RACs review and recommend projects throughout the 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

### Evaluation and Approval of Title II Projects

- The Secretary, or designee such as Forest Supervisor or District Ranger, may 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 Secretary of Agriculture;
  - The project has been recommended by the RAC in accordance with the Act;
  - A project description has been submitted by the RAC to the Secretary 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 Secretary 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 Secretary shall consider the project withdrawn from further consideration.
  - A decision by the Secretary to reject a proposed project shall be at the Secretary's sole discretion. A decision by the Secretary to reject a proposed project shall not be subject to administrative appeal or judicial review.
  - Within 30 days after the Secretary's decision to reject a proposed project, the Secretary shall notify the RAC in writing of the rejection and the reasons for rejection.
  - The Secretary shall publish in the Federal Register a notice of each project approved if such notice would be required had the project originated with the Secretary.
  - Contracts, grants, and cooperative agreements with states, local governments, private and nonprofit entities, landowners and other persons may be used to assist the Secretary in carrying out an approved project.

## **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 Secretary 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 Secretary to comply with the terms of the agreement.
- The Secretary may decide to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.
- As soon as the Secretary 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. The Forest Service shall not begin a project until the project funds are available.

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

- Counties shall notify the Secretary of Agriculture of its allocation of funds to Title II no later than September 30 of each fiscal year. By September 30 of each fiscal, a RAC shall submit to the Secretary 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, 2012, will be returned to the U.S. Treasury.