

United States Department of Agriculture
Forest Service

Special Use Permit
Private Road

Ref. FSH 2709.12 (41.23)

Record No.

70

District

08

State

53

Long

Region (3-4)

06

User No.

522402

County

02

Lat

Forest (5-6)

03

Kind of Use

755

Card No.

1

Lat

121196

PRIVATE ROAD SPECIAL-USE PERMIT

BOOK 147 PAGE 332

Jerry D. and Arlene B. Shepard

(Name: hereafter called the Permittee)

Star Route, Carson, WA 98610

(Address) is hereby authorized to use National Forest lands for the construction, reconstruction, maintenance, and use of a road within the Gifford Pinchot National Forest for the following purposes:

For access to private land owned by the Permittee.

The lands covered by this permit are located in the County of Skamania, State of Washington and are described as follows:

Section 27, T4N, R7E, W.M.

This permit covers a right-of-way 0.04 miles in length, 66 feet in width, containing approximately 0.3 acres, and is located upon the ground according to the survey line, figures, measurements, widths, and other references shown on the map or plat attached hereto and made a part hereof. (See Exhibit A)

This permit is made subject to the following terms, provisions, and conditions:

1. This permit is subject to all existing easements and valid rights existing on this site.

2. The Permittee in exercising the privileges granted by this permit shall comply with all applicable State and Federal laws, Executive Orders, and Federal rules and regulations, and shall comply with all State standards for public health and safety, environmental protection, and siting construction, operation, maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards.

3. The Permittee shall cut no timber except as authorized by construction stipulations or maintenance agreements.

4. The Permittee shall provide maintenance so that no damage occurs on adjacent National Forest land. The Permittee shall construct and maintain lead-off drainage and water barriers as necessary to prevent erosion.

5. Permittee shall pay the United States for all injury, loss, or damage, including fire suppression costs in accordance with Federal and State laws.

6. Permittee shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a result of claims, demands, losses, or judgements caused by the Permittee's use and occupancy under this permit.

Registered ☒
Indexed, or ☒
Indirect ☒
Filed ☒
Mailed ☒

7. Permittee shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use rights granted by this easement. The initial payment is set at \$ 40.00 for the remainder of the calendar year. Subsequent payments shall be in the amount of \$ 40.00 for each calendar year until further notice. The Forest Service may adjust the amount of payment annually by an appropriate factor to reflect more nearly the fair market value of the use, but at 10-year intervals the Forest Service shall review the fee and adjust the fee as necessary to assure that the fee is commensurate with the value of the rights and privileges authorized as determined by appraisal or other sound business management principles. Failure of the Permittee to make the annual payment shall cause the easement to terminate.

8. The Permittee shall pay an interest charge on any fee amount not paid by the payment due date.

Interest shall be assessed using the most current rate prescribed by the United States Department of Treasury Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the fee payment was due. In addition, certain processing and handling administrative costs may be assessed in the event the account becomes delinquent and added to the amounts due.

A penalty of 6 percent per year shall be assessed on any fee amount overdue in excess of 90 days from the due date on the first billing.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments of fee calculation statements fall on a nonworkday, the charges shall not apply until the close of business of the next workday.

9. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Forest Service prior to beginning such construction or reconstruction.

10. The Permittee shall repair fully all damage to the National Forest roads and trails caused by the exercise of the privileges granted by this permit.

11. The United States may use the roads without cost for all purposes deemed necessary or desirable in connection with the protection and administration of the lands or resources of the United States, provided that it will use the road for commercial hauling purposes, other than the removal of timber cut in construction or maintenance of the road or other occasional incidental use, only after arranging to pay or perform its pro rata share of road maintenance.

12. The Forest Service alone may extend rights and privileges for use of the road constructed on the premises to other non-Federal users provided that such users shall pay a fair share of the current replacement cost less depreciation of the road to the permittee, and reconstruct the road as necessary to accommodate their use.

13. The Forest Service retains the right to occupy and use the right-of-way and to issue or grant rights-of-way for land uses, for other than road purposes, upon, over, under, and through the permit area provided that the occupancy and use do not interfere unreasonably with the rights granted herein.

14. The Forest Service shall have the right to cross and recross the premises and road at any place by any reasonable means and for any purpose in such manner as does not interfere unreasonably with use of the road.

15. The Permittee shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing, and must specify the time, method, chemicals and the exact portion of the right-of-way to be chemically treated.

16. Unless sooner terminated in accordance with the provisions of the permit, or revoked by the Regional Forester, this permit shall expire and become void on December 31, 1998.

17. This permit may be terminated or suspended upon breach of any of the conditions herein or at the discretion of the Regional Forester.

18. Upon termination of this special-use authorization, the Permittee shall remove within a reasonable time the structures and improvements and shall restore the site to a condition satisfactory to the authorized officer, unless otherwise waived in writing or in the authorization. If the Permittee fails to remove the structures or improvements within a reasonable period, as determined by the authorized officer, they shall become the property of the United States. But this does not relieve the Permittee's liability for the removal and site restoration costs.

In Witness Whereof, the parties hereto have caused this permit to be duly executed on this 15th day of June, 1988.

Permittee

by

Jerry D. Shepard
JERRY D. AND ARLENE B. SHEPARD

Arlene B. Shepard

USDA - Forest Service

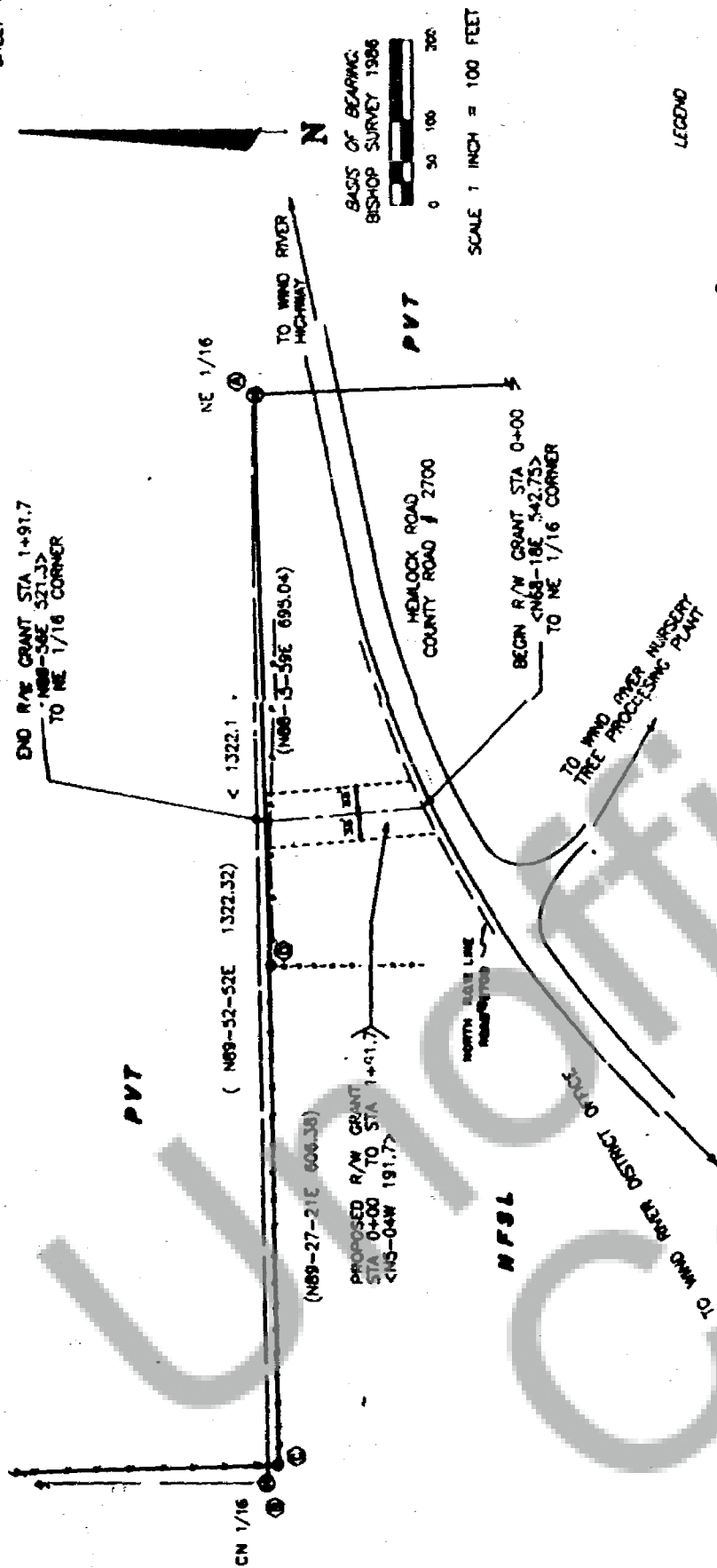
by

Robert W. Williams
ROBERT W. WILLIAMS

for Forest Supervisor
Gifford Pinchot N. F.

FILED FOR RECORD
SKILLMAN CO. WASH
BY Jerry Shepard

DEC 6 10 26 AM '94
P. Lowry
AUDITOR
GARY M. OLSON



040377

- CORNER EVIDENCE FOUND AS NOTED
- () BISHOP SURVEY BEARING & DISTANCE
- < > MEASURED VALUE
- ROAD R/W TO BE GRANTED
- EXISTING ROAD
- OVER HEAD POWER LINES
- NPSL NATIONAL FOREST SYSTEM LANDS
- PVT PRIVATE LANDS
- SUBDIVISIONAL SECTION LINE
- PROPERTY LINE
- FENCE LINE

CONNECT INFORMATION

- NE 1/16 2 1/2" BRASS CAP W/ ROCK
COLLAR AND 2 BTS OF RECORD
- ON 1/16 2 1/2" BRASS CAP 8" BELOW
ROAD W/ 2 BTS OF RECORD
- 2 1/2" GAL STEEL FENCE POST
- 2 1/2" GAL STEEL FENCE POST

:5310

THE ROAD R/W IS 66 FEET WIDE 33 FEET EACH SIDE OF THE CENTERLINE.

THE ROUTE BEING GRANTED EXTENDS FROM THE NORTH R.O.W. LINE OF COUNTY RD. 2700 AND TERMINATES AT THE TRUE PROPERTY LINE.

STA 0+00 IS AT MP 0.98 ON HEMLOCK RD. -
COUNTY RD. 12700 (SCALED FROM 1957 WIND
RIVER SW USGS QUADRANGLE).

AT STA 1+88 OVER HEAD POWERLINE BEARS
- POWERLINE SPECIAL USE PERMIT TO
<N70W>
SKRAMANIA COUNTY P.U.D. NO. 1 DATED: 1/4/88.

TOTAL R/W ACRES TO GRANT
0.27 ACRES

SURVEYED BY: David L. Gander DATE: 12-12-87
REVIEWED BY: David L. Gander DATE: 2-11-88
FORCED AND SUBMITTED
APPROVED BY: E. Leland Allen DATE: 2-16-88

2730 RIGHT-OF-WAY GRANT
USDA FOREST SERVICE
PACIFIC NORTHWEST REGION
GIFFORD PINCHOT NATIONAL FOREST
SKAMANIA COUNTY WASHINGTON

Sec. 27 T 4 N R 7 E W.M.
Project Name: SHEPPARD ACCESS ROAD
Project No. 2700 A
Method of survey: Theodolite/E.D.M.
Date of plat: FEB 1988

PROPERTY OWNER