

**CATEGORY 5 MASTER COST RECOVERY AGREEMENT****Between****USDA, FOREST SERVICE, COCONINO NATIONAL FOREST****and THE CITY OF FLAGSTAFF**

This agreement is entered into between the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, Coconino National Forest (Forest Service), and the City of Flagstaff (applicant) under 36 CFR 251.58.

**A. RECITALS**

1. On November 21, 2019, the Forest Service accepted the applicant's applications for use and occupancy of National Forest System lands (hereinafter "the applications"), which are enumerated in "Appendix A". The Forest Service shall assess the applicant a cost recovery fee for the agency's costs to process each application.
2. The proposed uses involves multiple phases of development or the applicant has submitted a group of applications or similar applications for a specified geographic area. Therefore, the fee for processing the applications falls within category 5 under the applicable Forest Service processing fee schedule and/or the fee for monitoring the applicant's special use authorizations falls within category 5 under the applicable Forest Service monitoring fee schedule.
3. The geographic areas to be covered by this agreement are described in detail within each project application, as enumerated in "Appendix A".
4. In signing a master agreement for a major category application submitted or authorization issued under authorities other than the Mineral Leasing Act, the applicant waives the right to request a reduction of the processing or monitoring fee based upon the reasonableness factors in 36 CFR 251.58(c)(1)(ii)(A) or (d)(1)(ii)(A). Therefore, the Forest Service is entitled to recover its full actual costs for all major category applications or authorizations covered by this master agreement.
5. Payment of a processing fee by the applicant does not obligate the Forest Service to authorize the applicant's proposed use and occupancy. If a major category application is denied or withdrawn in writing, the applicant is responsible for costs incurred by the Forest Service in processing the application up to and including the date the agency denies the application or receives written notice of the applicant's withdrawal. If the applicant withdraws a major category application, the applicant also is responsible for any costs subsequently incurred by the Forest Service in terminating consideration of the application.
6. The Forest Service shall determine the appropriate level of environmental analysis for each application, and inform the applicant prior to initiating the environmental analysis.
7. Information associated with this agreement may be released to the public in accordance with the provisions of the Freedom of Information Act and Privacy Act.

**PART I - PROCESSING FEES****B. BASIS FOR PROCESSING FEES**

Processing fees for the applications are based upon the direct and indirect costs that the Forest Service incurs in reviewing the applications, conducting environmental analyses of the effects of the proposed use, reviewing any applicant-generated environmental documents and studies, conducting site visits, evaluating the applicant's technical and financial qualifications, making a decision on whether to issue the authorizations, and preparing documentation of analyses, decisions, and authorizations for the applications. The processing fee for the applications shall be based only on costs that are necessary for processing the applications. "Necessary for" means that but for the applications, the costs would not

have been incurred. The processing fee shall not include costs for studies for programmatic planning or analysis or other agency management objectives, unless they are necessary for processing the applications. Proportional costs for analyses, such as capacity studies, that are necessary for the applications may be included in the processing fee.

### **C. AGREEMENT**

In consideration of the foregoing, the parties agree as follows:

1. Scope of Work. The Forest Service shall develop a scope of work for processing the applications and an estimate of the agency's costs to process the applications, which will be incorporated into this agreement as "Appendix B". This scope of work shall report direct costs in categories that correspond to those in the agency's accounting system, e.g., job code, personnel compensation based upon the cost to the government (salary and benefits), travel, and other direct services, materials, and supplies. In addition, the estimate of the agency's processing costs shall include the agency's indirect costs based upon the approved annual indirect cost rate. Classification of costs as direct or indirect shall be in accordance with the published Forest Service budget for the applicable fiscal year.

2. Environmental Analysis. The Forest Service shall supervise the preparation of the environmental analysis associated with the applications in compliance with applicable legal requirements, including public review of the analysis, analysis of public comments, and decision documentation. In exercising this responsibility, the Forest Service shall endeavor to foster cooperation among other agencies involved in the process, and to integrate National Environmental Policy Act requirements and other environmental review and consultation requirements to avoid, to the fullest extent possible, duplication of efforts by those agencies. However, the Forest Service shall not delegate to any other agency its authority over the scope and content of the environmental analysis, or approval or denial of the applications.

3. Billing. The Forest Service shall bill the applicant prior to commencement of work. The applicant agrees to pay the estimated processing fee of **\$22,352**. The bills for the estimated processing fee is attached.

4. Payment. The applicant shall pay the estimated processing fee within 30 days of the date the bill for the fee was issued. The Forest Service shall not initiate processing the application until the estimated processing fee is paid. If the applicant fails to pay the estimated processing fee or the fee is late, the Forest Service shall cease processing the application until the fee is paid.

5. Statement of Costs. The Forest Service shall annually report costs incurred for processing the applications by providing a financial statement from the agency's accounting system to the applicant.

6. Underpayment. When the estimated processing costs are lower than the final processing costs for the applications, the applicant shall pay the difference between the estimated and final processing costs within 30 days of billing.

7. Overpayment. If payment of the processing fee exceeds the Forest Service's final processing costs for the applications, the Forest Service shall either (a) refund the excess payment to the applicant or, (b), at the applicant's request, shall credit it towards monitoring fees due.

#### **8. Disputes**

a. If the applicant disagrees with the processing fee category assigned for a minor category or, in the case of a major processing category, with the estimated dollar amount of the processing costs, the applicant may submit a written request before the disputed fee is due for substitution of an alternative fee category or alternative estimated costs to the immediate supervisor of the authorized officer who determined the fee category or estimated costs. The written request must include supporting documentation.

b. If the applicant pays the full disputed processing fee, the Forest Service shall continue to process the applications during the supervisory officer's review of the disputed fee, unless the applicant requests that the application processing cease.

c. If the applicant fails to pay the full disputed processing fee, the Forest Service shall suspend further processing of the application pending the supervisory officer's determination of an appropriate processing fee and the applicant's payment of that fee.

d. The authorized officer's immediate supervisor shall render a decision on a disputed processing fee within 30 calendar days of receipt of the written request from the applicant. The supervisory officer's decision is the final level of administrative review. The dispute shall be decided in favor of the applicant if the supervisory officer does not respond to the written request within 30 days of receipt.

9. Lack of Administrative Appeal. A decision by an authorized officer to assess a processing fee or to determine the fee category or estimated costs is not subject to administrative appeal. A decision by an authorized officer's immediate supervisor in response to a request for substitution of an alternative fee category or alternative estimated costs likewise is not subject to administrative appeal.

10. Amendment. Modifications to this agreement shall be made in writing and shall be signed and dated by both parties.

11. Expiration and Termination. This agreement expires on 12/31/2024. Either party, in writing, may terminate this agreement in whole or in part at any time before it expires. The applicant is responsible for all Forest Service costs covered by this agreement that are incurred up to the date of expiration or termination.

12. Principal Point of Contact. The Forest Service and the applicant shall each establish a principal point of contact for purposes of this agreement.

The Forest Service's contact is Bridget Roth, Public Services Staff, (928) 527-3470.

The applicant's contact is Charity Lee, Real Estate Manager, (928) 213-2072.

**This agreement is accepted subject to all its terms and conditions.**

City of Flagstaff	Date
Laura Jo West Forest Supervisor, Coconino National Forest USDA, Forest Service	Date

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

APPENDIX A

**Applications and Authorizations Subject to this Agreement**

Applications

FLG244 – Sheep Crossing FUTS trail (Job code: MJ0384)

FLG245 – Lake Mary #2 communication tower (Job code: MJ0443)

FLG246 – Cinder Lake Landfill road (Job code: MJ0444)

APPENDIX B

**Scope of Work**

NEPA and other environmental and legal compliance work and permitting for all projects below including field work, preparation of reports and documents as applicable. A resource specialist hour estimation sheet is attached for each project subject to this agreement, with the total processing cost estimate for each project as follows:

FLG244 – Sheep Crossing FUTS trail project \$4,936.80

FLG245 – Lake Mary #2 communication tower project \$3,898.40

FLG246 – Cinder Lake landfill project \$13,516.80

**TOTAL PROCESSING COST ESTIMATE = \$22,352**

This agreement can be amended to add additional projects for accepted project applications, and can cover all future projects accepted by the forest through the date of expiration. Each new accepted application will have a unique job code (shorthand code) to separate and track expenditures on each project.



Processing	Amendment# :	Type of NEPA : EA	
Item	Item Description	Est. Hours	
WILDLIFE BIOLOGIST	Review project, field work & report as applicable	56	
ARCHAEOLOGIST/CULTURAL RESOURCES	Review project, field work & report as applicable	40	
BOTANIST	Review project, field work & report as applicable	56	
NEPA COORDINATOR	Review project, coordinate IDT & NEPA process	24	
PERMIT ADMINISTRATOR	Coordinate, process & draft new SUA package	40	
RECREATION SPEC/TECH	Review project, field work & report as applicable	24	
GIS/CARTOGRAPHY SPEC/TECH	Update and incorporate new GIS layers & assist with mapping	16	
ENGINEER/ENGINEERING TECH	Review engineering plans for road	24	
FIRE/FUELS SPECIALIST	Address fuels & treatment of project related slash	8	
TIMBER/SILVICULTURE SPEC/TECH	Review project, field work & report as applicable	8	
BOTANIST	GS-5 field plant surveys	80	
ARCHAEOLOGIST/CULTURAL RESOURCES	Tribal liaison field visits to review project & conduct tribal consultation	24	
<b>Total Hours :</b>		<b>400</b>	<b>Category : 5</b>

**For Categories 5 or 6 Determine Estimated and Actual Costs:**

Item	Item Description	Hourly Rate	Estimated Hours	Estimated Cost	Actual Hours	Actual Cost	Comments
ARCHAEOLOGIST/CULTURAL RESOURCES	Review project, field work & report as applicable	\$35	40	\$1,400.00			
ARCHAEOLOGIST/CULTURAL RESOURCES	Tribal liaison field visits to review project & conduct tribal consultation	\$42	24	\$1,008.00			
BOTANIST	GS-5 field plant surveys	\$19	80	\$1,520.00			
BOTANIST	Review project, field work & report as applicable	\$35	56	\$1,960.00			
ENGINEER/ENGINEERING TECH	Review engineering plans for road	\$32	24	\$768.00			
FIRE/FUELS SPECIALIST	Address fuels & treatment of project related slash	\$29	8	\$232.00			
GIS/CARTOGRAPHY SPEC/TECH	Update and incorporate new GIS layers & assist with mapping	\$29	16	\$464.00			
NEPA COORDINATOR	Review project, coordinate IDT & NEPA process	\$29	24	\$696.00			
PERMIT ADMINISTRATOR	Coordinate, process & draft new SUA package	\$29	40	\$1,160.00			
RECREATION SPEC/TECH	Review project, field work & report as applicable	\$35	24	\$840.00			
TIMBER/SILVICULTURE SPEC/TECH	Review project, field work & report as applicable	\$35	8	\$280.00			
WILDLIFE BIOLOGIST	Review project, field work & report as applicable	\$35	56	\$1,960.00			



Report Name: **SPUCR10L**

Report Title: **Estimation Sheet for Cost Recovery and/or Fee**

Run by: **KPOLLUCONI**

Instance ID: **10602**

Instance Name: **Server**

Selected By

CN: 51758809010602

Sorted By

Note Table Used: **II\_SU\_CR\_FEES, II\_SUF\_CRS**

End of Report



Processing	Amendment# :	Type of NEPA : CE	
Item	Item Description	Est. Hours	
WILDLIFE BIOLOGIST	Review project, field work & report as applicable	16	
ARCHAEOLOGIST/CULTURAL RESOURCES	Review project, field work & report as applicable	16	
BOTANIST	Review project, field work & report as applicable	16	
NEPA COORDINATOR	Review project, coordinate IDT & NEPA process	16	
PERMIT ADMINISTRATOR	Coordinate, process & draft SUA package	40	
RECREATION SPEC/TECH	Review project, field work & report as necessary	8	
GIS/CARTOGRAPHY SPEC/TECH	Update and Incorporate new GIS layers & assist with mapping.	8	
RANGE CON/TECH	Review GIS and make adjustments to layers once permit finalized & Interstate tank is permitted to city	16	
<b>Total Hours :</b>		<b>136</b>	<b>Category : 5</b>

**For Categories 5 or 6 Determine Estimated and Actual Costs :**

Item	Item Description	Hourly Rate	Estimated Hours	Estimated Cost	Actual Hours	Actual Cost	Comments
ARCHAEOLOGIST/CULTURAL RESOURCES	Review project, field work & report as applicable	\$42	16	\$672.00			
BOTANIST	Review project, field work & report as applicable	\$35	16	\$560.00			
GIS/CARTOGRAPHY SPEC/TECH	Update and incorporate new GIS layers & assist with mapping.	\$29	8	\$232.00			
NEPA COORDINATOR	Review project, coordinate IDT & NEPA process	\$29	16	\$464.00			
PERMIT ADMINISTRATOR	Coordinate, process & draft SUA package	\$29	40	\$1,160.00			
RANGE CON/TECH	Review GIS and make adjustments to layers once permit finalized & Interstate tank is permitted to city	\$35	16	\$560.00			
RECREATION SPEC/TECH	Review project, field work & report as necessary	\$35	8	\$280.00			
WILDLIFE BIOLOGIST	Review project, field work & report as applicable	\$35	16	\$560.00			
<b>Sub - Totals :</b>			<b>136</b>	<b>\$4,488.00</b>			
<b>Totals :</b>				<b>\$4,488.00</b>			
<b>Add Burden Rate : 10 %</b>				<b>\$448.80</b>			
<b>Grand Totals :</b>				<b>\$4,936.80</b>			

Report Name: **SPUCR10L**

Report Title: **Estimation Sheet for Cost Recovery and/or Fee**

Run by: **KPOLLUCONI**

Instance ID: **10602**

Instance Name: **Server**

Selected By

CN: 51757776010602

Sorted By

Note Table Used: IL\_SU\_CR\_FEES, IL\_SUF\_CRS

End of Report



Processing	Amendment# :	Type of NEPA : CE	
Item	Item Description	Est. Hours	
WILDLIFE BIOLOGIST	Review project, field work & report as applicable	8	
ARCHAEOLOGIST/CULTURAL RESOURCES	Review project, field work & report as applicable	8	
BOTANIST	Review project, field work & report as applicable	8	
NEPA COORDINATOR	Review project, coordinate IDT & NEPA process	16	
PERMIT ADMINISTRATOR	Coordinate, process & draft SUA package	40	
RECREATION SPEC/TECH	Review project, field work & report as necessary	8	
GIS/CARTOGRAPHY SPEC/TECH	Update and incorporate new GIS layers & assist with mapping	16	
TIMBERSILVICULTURE SPEC/TECH	Review project, field work & report as applicable	8	
<b>Total Hours :</b>		<b>112</b>	<b>Category : 5</b>

For Categories 5 or 6 Determine Estimated and Actual Costs:

Item	Item Description	Hourly Rate	Estimated Hours	Estimated Cost	Actual Hours	Actual Cost	Comments
ARCHAEOLOGIST/CULTURAL RESOURCES	Review project, field work & report as applicable	\$42	8	\$336.00			
BOTANIST	Review project, field work & report as applicable	\$35	8	\$280.00			
GIS/CARTOGRAPHY SPEC/TECH	Update and incorporate new GIS layers & assist with mapping	\$29	16	\$464.00			
NEPA COORDINATOR	Review project, coordinate IDT & NEPA process	\$29	16	\$464.00			
PERMIT ADMINISTRATOR	Coordinate, process & draft SUA package	\$29	40	\$1,160.00			
RECREATION SPEC/TECH	Review project, field work & report as necessary	\$35	8	\$280.00			
TIMBERSILVICULTURE SPEC/TECH	Review project, field work & report as applicable	\$35	8	\$280.00			
WILDLIFE BIOLOGIST	Review project, field work & report as applicable	\$35	8	\$280.00			
<b>Sub - Totals :</b>			<b>112</b>	<b>\$3,544.00</b>			
<b>Totals :</b>				<b>\$3,544.00</b>			
<b>Add Burden Rate :</b>		<b>10 %</b>		<b>\$354.40</b>			
<b>Grand Totals :</b>				<b>\$3,898.40</b>			

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Run by: **KPOLLUCONI**

Instance ID: **10602**

Instance Name: **Server**

Selected By

CN: 51758260010602

Sorted By

Note Table Used: IL\_SU\_CR\_FEES, IL\_SUF\_CRCS

End of Report