



U.S. Department of Agriculture
Office of Inspector General



IIJA – Legacy Road and Trail Remediation Program Capping Report on Implementation by Regions 3 and 6

Audit Report 08601-0007-31

OIG summarized the issues identified during the audits of Region 3 and Region 6's implementation of LRT and provided recommendations to the Washington Office.

OBJECTIVE

Our objective was to summarize the issues identified during the audits of Region 3 and Region 6's implementation of LRT.

REVIEWED

We relied on our work performed in the audits of Forest Service Regions 3 and 6's implementation of LRT and consolidated Washington Office issues in this report.

RECOMMENDS

We recommend that the Washington Office issue guidance to regions to strengthen the LRT project selection process and establish a plan to monitor the regions' implementation of guidance clarifying public engagement requirements. We also recommend that the Washington Office establish a monitoring process to confirm that all tasks within a project are eligible.

WHAT OIG FOUND

In November 2021, the Infrastructure Investment and Jobs Act (IIJA) provided Forest Service approximately \$250 million to establish the IIJA Legacy Road and Trail Remediation Program (LRT). While we recognize that Regions 3 and 6 had limited time to implement LRT, based on our prior work, we were unable to validate the scoring and eligibility of these projects. We also found that both regions we reviewed did not consistently solicit and consider public input regionally in the ranking of projects for funding under the program. This occurred because the Washington Office did not issue sufficient guidance or establish a plan to oversee this process to ensure that regions consistently and effectively solicited and considered input from stakeholders in the ranking of LRT projects for funding. As a result, Forest Service has reduced assurance that the two regions selected the most meritorious and eligible projects for the more than \$19.4 million in LRT funding—this may have prevented the projects from fully serving the best interests of affected stakeholders.

Additionally, we found that 1 of the regions also approved and allocated LRT funds to 11 ineligible tasks within 2 approved projects. This occurred because Forest Service lacked sufficient internal controls to ensure that LRT funding was only allocated to eligible tasks. As a result, although Forest Service did not expend LRT funding on the ineligible tasks, the agency held more than \$630,000 in LRT funds for ineligible tasks within approved projects, thus making these funds unavailable for other eligible LRT projects or tasks.

Forest Service officials generally agreed with our findings and recommendations and initiated corrective actions during the audit. We accepted management decision for the three audit recommendations in the report. We reported the monetary results in the prior regional audits.



OFFICE OF INSPECTOR GENERAL

United States Department of Agriculture



DATE: May 5, 2025

AUDIT

NUMBER: 08601-0007-31

TO: Thomas M. Schultz, Jr.
Chief
Forest Service

ATTN: Jennifer McGuire
Acting Chief Financial Officer
Forest Service

FROM: Steve Rickrode
Acting Assistant Inspector General for Audit

SUBJECT: IJA – Legacy Road and Trail Remediation Program Capping Report on Implementation by Regions 3 and 6

This report presents the results of our audit of IJA – Legacy Road and Trail Remediation Program Capping Report on Implementation by Regions 3 and 6. Your written response to the official draft is included in its entirety at the end of the report. Based on your written response, we are accepting management decision for all three recommendations in the report, and no further response to this office is necessary.

In accordance with Departmental Regulation 1720-1, final action needs to be taken within 1 year of the date of each management decision. Please follow your internal agency procedures in forwarding final action correspondence to the Office of the Chief Financial Officer.

We appreciate the courtesies and cooperation extended to us by members of your staff during our fieldwork and subsequent discussions. This report contains publicly available information and will be posted in its entirety to our website (<https://usdaoig.oversight.gov>) in the near future.

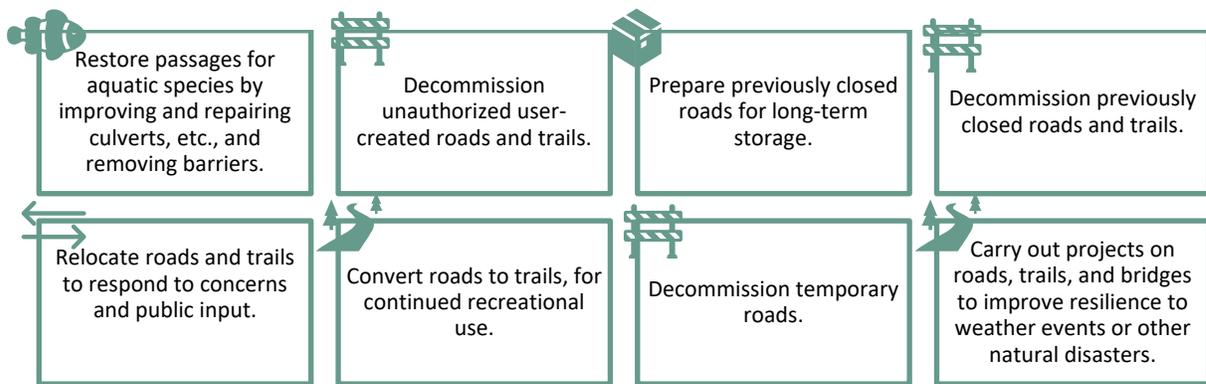
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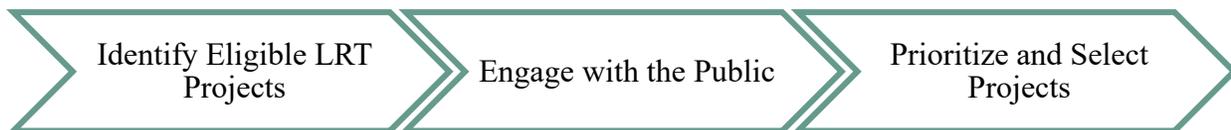
Background and Objective

Background

The Infrastructure Investment and Jobs Act (IIJA), signed into law on November 15, 2021, provided Forest Service with approximately \$5.5 billion for investing in natural resources-related infrastructure, wildfire risk management, and ecosystem restoration.¹ IIJA made \$250 million available to establish the IIJA Legacy Road and Trail Remediation Program (LRT), providing Forest Service with \$50 million annually for fiscal years (FYs) 2022 through 2026 for road, trail, and aquatic organism passage improvements on National Forest System lands. While considering foreseeable changes in weather and hydrology, Forest Service can use LRT funds for the following eight types of project activities:



The National Forest System is made up of 9 geographic regions, and more than 150 National Forests and Grasslands. Within these forests and grasslands, Forest Service manages hundreds of thousands of miles of roads and trails, as well as thousands of bridges, some of which are used for recreational access and resource management. The Forest Service Washington Office provides broad policy and direction for the agency, while the regional offices implement and monitor program activities to ensure quality operations on forest lands.



Each Forest Service region is to prioritize and select LRT projects to distribute the allocated funding. Before submitting the projects to the national office for final review and approval, regions are to use an interdisciplinary team process including Engineering, Fisheries and Wildlife, Hydrology, and Recreation staffs and solicit and consider public input to evaluate and prioritize projects. The Forest Service Washington Office provided guidance to the regions on

¹ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 40801, 135 Stat. 1094-1096 (2021).

legislative and national office considerations and priorities, while also allowing regions the flexibility to incorporate variations in criteria to recognize regional priorities.²

Specifically, our review leveraged prior audit work completed at two Forest Service regions, Region 3 and Region 6.^{3 4}

Region 3

- Known as the Southwestern Region.
- Covers more than 20.6 million acres.
- Spreads across 6 national forests in Arizona, 5 national forests and a national grassland in New Mexico, and 1 national grassland each in Oklahoma and the Texas panhandle.

Region 6

- Known as the Pacific Northwest Region.
- Defined by its 24.7 million acres of public lands in Oregon and Washington.
- Contains 17 national forests, a national grassland, and 2 national volcanic monuments.

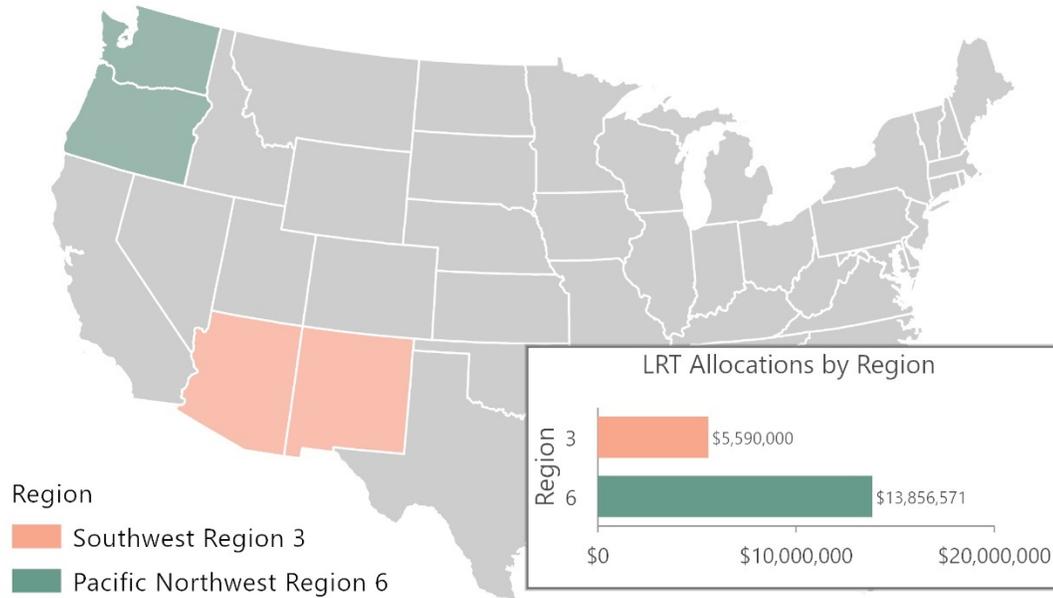
Forest Service allocated more than \$19.4 million to Region 3 and Region 6 in total LRT funding for FYs 2022 and 2023. Region 3 and Region 6 selected 15 LRT projects and 7 LRT projects respectively in FY 2022 and FY 2023.

² U.S. Department of Agriculture (USDA) Forest Service Washington Office, *Fiscal Years 2022 through 2024 Project Selection for the Legacy Road and Trail Remediation Program* (Mar. 30, 2022). This guidance included, as an enclosure, USDA Forest Service, *Legacy Road and Trail Remediation Program Submission Guidelines – Version 2.1* (Feb. 2022).

³ Audit Report 08601-0005-31, *IIJA – Legacy Road and Trail Remediation Program – Region 3*, Dec. 2024.

⁴ Audit Report 08601-0006-31, *IIJA – Legacy Road and Trail Remediation Program – Region 6*, Dec. 2024.

Map of Region 3 and Region 6 LRT allocations for FYs 2022 and 2023 combined. Data Provided by Forest Service. Figure by the Office of Inspector General (OIG).



OIG issued an informational report that summarized the Forest Service LRT program;⁵ a Region 3 report that reviewed Forest Service Region 3’s implementation of the IIJA – Legacy Road and Trail Remediation Program, including controls over project selection and spending;⁶ and a Region 6 report that reviewed Forest Service Region 6’s implementation of the IIJA – Legacy Road and Trail Remediation Program, including controls over project selection and spending.⁷

Objective

Our objective was to summarize the issues identified during the audits of Region 3 and Region 6’s implementation of LRT.

⁵ 08801-0001-31, *Infrastructure Investment and Jobs Act: Legacy Road and Trail Remediation Program – Information Report*, Sept. 2023.

⁶ Audit Report 08601-0005-31, *IIJA – Legacy Road and Trail Remediation Program – Region 3*, Dec. 2024.

⁷ Audit Report 08601-0006-31, *IIJA – Legacy Road and Trail Remediation Program – Region 6*, Dec. 2024.

Finding 1: Forest Service Did Not Support Project Selection Decisions

We recognize that Forest Service had limited time to implement LRT. However, as we reported in our regional audit reports,⁸ we were unable to validate the scoring and eligibility of the projects. This occurred because the Washington Office did not issue sufficient LRT guidance on how regions should formally document the information reviewed and the eligibility determinations for each LRT project proposal. As a result, Forest Service has reduced assurance that the two regions selected the most meritorious and eligible projects for the more than \$19.4 million in LRT funding.⁹

IIJA required Forest Service to establish a process for annually selecting LRT projects.¹⁰ To implement LRT, the Forest Service Washington Office issued guidance to the regions outlining eligibility prioritization points for legislative and Washington Office priorities that was developed based on IIJA and Forest Service priorities.¹¹ Departmental Regulation 1110-002 requires agency heads to establish and maintain a system of internal control based on the Government Accountability Office's Green Book, ensuring adequate controls for program and administrative operations, reporting, and compliance are in place.^{12 13}

As stated in the Region 3 report, this region used scoring criteria prescribed by the Washington Office and incorporated regional priorities as allowed by the guidance.¹⁴ Region 3 officials explained that they used a spreadsheet scoring process based on established criteria; however, the region did not formally document the information reviewed and decisions made to arrive at each of the project's eligibility and scoring determinations. When we asked if there was any formal documentation for justifying a project's eligibility, an official in the region responded that there was no documentation maintained because there was no requirement in the Washington Office-issued guidance to document what was reviewed and discussed when scoring and determining eligibility, otherwise they would have done so.

We noted in the Region 6 report that officials in this region read the project description and reviewed data elements, such as tasks, within the data system. The region then noted if they

⁸ Audit Report 08601-0005-31, *IIJA – Legacy Road and Trail Remediation Program – Region 3*, Dec. 2024 and Audit Report 08601-0006-31, *IIJA – Legacy Road and Trail Remediation Program – Region 6*, Dec. 2024.

⁹ Combined, the two regions received \$19,446,571. OIG previously reported \$5.5 million (rounded down from \$5,590,000) in Region 3 and \$13.8 million (rounded down from \$13,856,571) in Region 6. These amounts were reported as monetary findings in OIG Audits 08601-0005-31 and 08601-0006-31, respectively.

¹⁰ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 40801, 135 Stat. 1094-1096 (2021).

¹¹ USDA Forest Service, *Legacy Road and Trail Remediation Program Submission Guidelines – Version 2.1* (Feb. 2022).

¹² USDA Departmental Regulation 1110-002, *Management's Responsibility for Internal Control* (Mar. 5, 2021).

¹³ Government Accountability Office, *Standards for Internal Control in the Federal Government*, GAO-14-704G, ¶ 10.03 (Sept. 2014).

¹⁴ USDA Forest Service, Washington Office, *Fiscal Years 2022 through 2024 Project Selection for the Legacy Road and Trail Remediation Program* (Mar. 30, 2022). This guidance included, as enclosures, USDA Forest Service, *Legacy Road and Trail Remediation Program Submission Guidelines – Version 2.1* (Feb. 2022), the project list spreadsheet template, and the project completion report template.

deemed the project LRT eligible based on this review, but they did not document the reasons or support for their determinations. We were unable to determine in similarly situated projects why one was eligible, and another was not.

Therefore, without supporting documentation to substantiate Forest Service's determinations, we were unable to determine whether both regions selected the most meritorious and eligible projects for funding. As such, we recommend that the Washington Office issue guidance to regions to formally document the information reviewed and decisions made when determining LRT project eligibility and scoring, to allow for independent review. Washington Office officials generally agreed with our finding and recommendation, and Forest Service initiated corrective action during the audit.

Recommendation 1

We recommend that the Washington Office issue guidance to its regions to strengthen the LRT project selection process to formally document the information reviewed and decisions made when determining LRT project eligibility and scoring in a manner that allows for independent review.

Agency Response

The Forest Service generally concurred with this recommendation. The agency updated its LRT guidance with language instructing regions to strengthen the IJA LRT project selection process by formally recording the documentation reviewed for the project selection process, including the criteria and scoring supporting decisions made to determine project eligibility, that demonstrates the process and outcomes in such a manner to allow for an independent review. The agency distributed the updated guidance to its regions on February 26, 2025.

OIG Position

We accept management decision for this recommendation.

Finding 2: Forest Service Did Not Consistently Solicit and Consider Public Input

We found that both regions we reviewed did not consistently solicit and consider public input regionally in the ranking of projects for funding under LRT. The Washington Office issued guidance to regions in March 2022 that included public input requirements but did not establish a plan to oversee this process to ensure that regions consistently and effectively solicited and considered input from stakeholders in the ranking of LRT projects for funding. As a result, the public and its various interest groups may not have been aware of the project selection criteria and may have missed the opportunity to provide critical input in project ranking for the first three years of the five-year program. Thus, this lack of public input may have prevented the projects from fully serving the best interests of affected stakeholders.

IJA contains requirements for LRT project selection related to public engagement including to (1) publish on Forest Service’s website the annual selection process and the description and proposed outcome of each project funded under the Program in each FY and (2) solicit and consider public input, regionally, in the ranking of projects for LRT funding.^{15 16} To implement LRT, the Forest Service Washington Office also issued guidance that required regions to solicit and consider public input regionally in the ranking of projects for funding under this program.¹⁷

Given these public engagement requirements, we reviewed the regional and national Forest Service websites. We found that while Forest Service created a nationwide website detailing the LRT projects selected each FY, it did not publish on its website the LRT selection process or any information related to public input. On the regional websites, we did not identify any information related to the LRT selection process or public input. We also found that both regions did not consistently solicit and consider public input in the ranking of projects for funding. Consequently, stakeholders may not have had the opportunity to provide feedback on some LRT projects prior to selection.

For example, we found that the first region (1) obtained public input after the ranking process for one project but (2) obtained public input before, during, and after ranking another project. We also found that the second region performed the LRT selection process twice. According to the regional office, during the first selection, it leveraged a preexisting process where the public had the opportunity to provide input, but it added one project that did not go through this process or receive public comment. During the second selection, it did not obtain regional public input. Officials from that region interpreted the Washington Office guidance to mean that the current processes used to obtain public input at the forest level and during the National Environmental Policy Act process met the public input requirement.

¹⁵ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 40801, 135 Stat. 1094-1096 (2021).

¹⁶ Ibid.

¹⁷ USDA Forest Service Washington Office, *Fiscal Years 2022 through 2024 Project Selection for the Legacy Road and Trail Remediation Program* (Mar. 30, 2022), which cited Forest Service, *Legacy Road and Trail Remediation Program Submission Guidelines – Version 2.1* (Feb. 2022).

We noted that Forest Service began to take corrective action during our regional audits. Ultimately, according to the USDA Office of the Chief Financial Officer, by March 6, 2025, Forest Service achieved final action and closed all five of the regional audit report recommendations.

- The Washington Office issued an April 3, 2024, internal memorandum stating, “Provisions in the Law also require the Forest Service to solicit and consider public input regionally in the ranking of projects for LRT funding.”
- By May 2024, Forest Service had updated its national website to articulate the LRT selection process.
- One region updated its website with additional information on how the region developed and evaluated LRT projects. By July 2024, the region’s website included a tentative regional list of proposed LRT projects for FY 2025 and FY 2026. The regional website also included a request for comments by the public, “to help prioritize project funding for Southwestern Region projects in FYs 2025 and 2026.”

Although Forest Service missed the opportunity to fully publicize the project selection process and consistently solicit public input for the first 3 years of the 5-year program, we recognize Forest Service for taking action to develop additional internal guidance after it became aware of these issues. Specifically, the internal guidance instructed regions to ensure that their current LRT project selection process includes meaningful opportunity for public input when selecting FY 2025 and FY 2026 projects. We believe the Washington Office should establish a plan to oversee this process to ensure that regions consistently and effectively implement these previously overlooked IIA requirements by soliciting and considering input from stakeholders in the ranking of LRT projects for funding. Washington officials generally agreed that they could establish a plan to monitor the regions’ implementation of its April 3, 2024, guidance, and Forest Service initiated corrective action during the audit.

Recommendation 2

We recommend that the Washington Office establish a plan to monitor the regions’ implementation of its April 3, 2024, guidance, which clarified that regions should solicit and consistently consider public input regionally in the ranking of IIA projects for funding.

Agency Response

The Forest Service generally concurred with this recommendation. The agency updated its LRT regional guidance regarding soliciting and considering public input in project ranking, and its Washington Office desk guide indicates a plan to monitor regions’ implementation by confirming regionally provided documentation within project submittals. All regions were notified February 26, 2025.

OIG Position

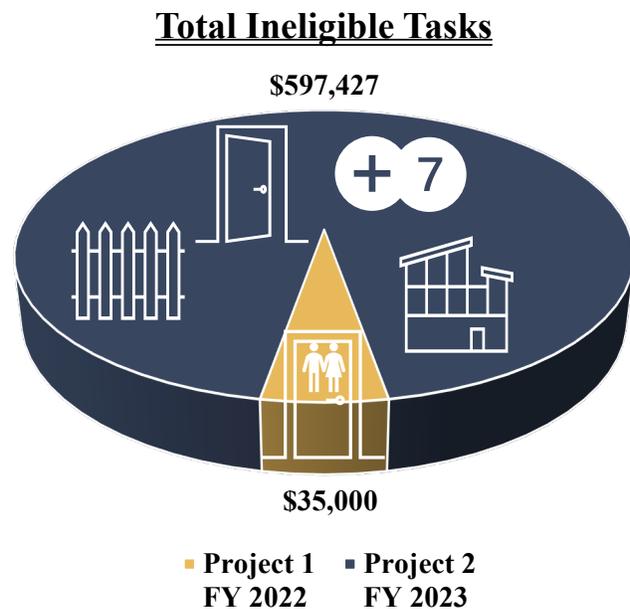
We accept management decision for this recommendation.

Finding 3: Forest Service Approved and Allocated Funding to Ineligible LRT Activities

As noted in the Region 6 report, we found that 1 Forest Service region approved and allocated LRT funds to 11 ineligible tasks within 2 approved projects.¹⁸ The ineligible tasks were building-related rather than the road-, trail-, or aquatic organism passage-related tasks permitted by LRT. This occurred because Forest Service lacked sufficient internal controls to ensure that LRT funding was only allocated to eligible tasks. As a result, although Forest Service did not expend LRT funding on the ineligible tasks, the agency held more than \$630,000 in LRT funds for the ineligible tasks within approved projects, thus making these funds unavailable for other eligible LRT projects or tasks.

IJA identified eight activities for which Forest Service could expend LRT funds, focusing only on road, trail, and aquatic organism passage projects.¹⁹ LRT projects are made up of multiple tasks and when a project is approved, the tasks within that project are also approved.

As stated in the Region 6 report, we found that 2 of the 7 LRT approved projects in the region allocated funding for 11 ineligible tasks, totaling \$632,427. A visual representation of the total ineligible tasks is shown to the right. When asked about the ineligible tasks, officials from the region said the LRT projects were selected from the list of projects previously developed for another program. This other program had some overlap in the activity type and objectives. However, officials in both the Washington Office and the affected region agreed that internal controls at the Washington Office level did not catch the planned ineligible tasks, which were not identified until February 2024, or later.



In addition, we noted in our regional report that an official from the affected region stated that there were compensating controls before funding was committed, obligated, or expended to review the associated documentation and confirm that only LRT eligible tasks were being performed with LRT funding. However, we found that the risk of approving ineligible tasks remains, as one region and the Washington Office officially approved the ineligible tasks to be completed with LRT funding. As such, we recommend that the Washington Office establish a

¹⁸ Audit Report 08601-0006-31, *IJA – Legacy Road and Trail Remediation Program – Region 6*, Dec. 2024.

¹⁹ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 40801, 135 Stat. 1094-1096 (2021).

process to confirm that all tasks within a project are LRT eligible before approving the project and funding allocation. Washington Office officials generally agreed with our finding and recommendation, and Forest Service initiated corrective action during the audit.

Recommendation 3

We recommend that the Washington Office establish a process to confirm that all tasks within an LRT project are eligible before approving the project and funding allocation.

Agency Response

The Forest Service generally concurs with this recommendation. The agency updated its LRT guidance to include instruction and a process to confirm all tasks within a project are eligible before projects are approved. All regions were notified February 26, 2025.

OIG Position

We accept management decision for this recommendation.

Scope and Methodology

We conducted this audit to summarize issues identified during our audits of Region 3 and Region 6's implementation of LRT. This audit covered 22 projects in Region 3 and Region 6 that received LRT funding as of September 30, 2023, totaling more than \$19.4 million. We conducted fieldwork for the prior engagements both in person and remotely at the Forest Service Region 3 Office in Albuquerque, New Mexico; and the Forest Service Region 6 Office in Portland, Oregon. We performed our audit fieldwork for the Region 3 report from November 2023 through October 10, 2024, the Region 6 report from February through October 16, 2024, and our capping work for these reports from August 2024 through March 12, 2025. We discussed the results of this audit with agency officials on March 24, 2025, and included their comments, as appropriate.

To accomplish our objective, we did the following:

Reviewed laws, regulations, policies, procedures, and other published guidance to gain sufficient knowledge of LRT.

Held discussions with Forest Service Region 3, Region 6, Washington Office, and contracting officials to gain an understanding of their roles and responsibilities, and management controls used to administer LRT, as well as its oversight process.

Visited a completed FY 2022 road project near Magdalena, New Mexico, and visited an aquatic organism passage project in Selma, Oregon.

Analyzed LRT data for Region 3 and Region 6 for FYs 2022 and 2023.

Evaluated Region 3 and Region 6's allocated funding plans, spending progress, and controls to ensure funds went to LRT activities.

Randomly selected three Region 3 and three Region 6 LRT projects approved for FYs 2022 and 2023, to review award documents for Buy American Provisions.

All Report Graphics Generated by OIG.

For our audits of Region 3 and Region 6, we assessed internal controls significant to the audit objective. Our assessment included internal control components and principles of the Standards for Internal Control in the Federal Government.²⁰ Specifically, we assessed the following components and underlying principles:

Component	Principle
Control Activities	Management should design control activities to achieve objectives and respond to risks.
Control Activities	Management should implement control activities through policies.

Because our review was limited to these internal control components and underlying principles, it may not have disclosed all internal control deficiencies that may have existed at the time of the audits.

To conduct our prior audits, we obtained data from USDA’s Financial Management Modernization Initiative and Forest Service’s National Asset Management Program system. We assessed the reliability of the data from those systems by comparing them to a list of LRT projects approved by the Washington Office for FYs 2022 and 2023 and interviewing agency officials knowledgeable about the data. We determined that the data were sufficiently reliable for the purposes of this report. However, we did not assess the overall reliability of any information system, as we did not rely solely on system data to support the reported findings, conclusions, and recommendations. Evaluating the effectiveness of information systems or information technology controls was not part of our audit objective.

This report is based on our previous reports prepared under generally accepted government auditing standards. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

²⁰ Government Accountability Office, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Sept. 2014).

Abbreviations

FY	fiscal year
IIJA	Infrastructure Investment and Jobs Act
LRT	IIJA Legacy Road and Trail Remediation Program
OIG	Office of Inspector General
USDA.....	U.S. Department of Agriculture

**Forest Service
Response to Audit Report**



File Code: 1430
Route To:

Date: April 21, 2025

Subject: Response to OIG Report on IJJA Legacy Road and Trail Capping Report 08601-0007-31

To: Steven Rickrode, Acting Assistant Inspector General for Audit

Thank you for the opportunity to review and comment on the Office of Inspector General (OIG) Report Number 08601-0007-31.

The Forest Service generally concurs with the findings and recommendations and appreciates the time and effort that went into the report. The agency's response to the recommendations is enclosed. All recommendations have been addressed and corrective actions completed.

Please contact Jennifer McGuire, Acting Chief Financial Officer, at (505) 563-7162 or jennifer.mcguire@usda.gov, with any questions.

THOMAS M. SCHULTZ, JR.
Chief

Enclosure



USDA Forest Service (FS)

Office of Inspector General (OIG) Inspection Report No. 08601-0007-31

**Legacy Road and Trail Remediation Program Capping Report on Implementation by
Regions 3 and 6**

Response to the Official Draft Report

Recommendation 1: The WO issue guidance to its regions to strengthen the LRT project selection process to formally document the information reviewed and decisions made when determining LRT project eligibility and scoring in a manner that allows for independent review.

FS Response: The Forest Service generally concurs with this recommendation. The Forest Service updated its Legacy Road and Trail (LRT) guidance with language instructing regions to strengthen the IJA LRT project selection process by formally recording the documentation reviewed for the project selection process, including the criteria and scoring supporting decisions made to determine project eligibility, that demonstrates the process and outcomes in such a manner to allow for an independent review. The agency distributed the updated guidance to its regions on February 26, 2025.

Estimated Completion Date: Completed

Recommendation 2: The WO establish a plan to monitor the regions' implementation of its Apr 3, 2024 guidance, which clarified that regions should solicit and consistently consider public input regionally in the ranking of IJA projects for funding.

FS Response: The Forest Service generally concurs with this recommendation. The Forest Service updated its LRT regional guidance to include language regarding soliciting and considering public input in project ranking. All regions were notified February 26, 2025. Additionally, a Washington Office desk guide for the program indicates a plan to monitor regions' implementation of guidance by confirming regionally provided documentation of the solicitation of public comment process and verification by the regions within project submittals.

Estimated Completion Date: Completed

Recommendation 3: The WO should establish a process to confirm that all tasks within an LRT project are eligible before approving the project and funding allocation.

FS Response: The Forest Service generally concurs with this recommendation. The Forest Service updated its LRT guidance to include instruction and a process to confirm all tasks within a project are eligible before projects are approved. All regions were notified February 26, 2025.

Estimated Completion Date: Completed

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