



United States
Department of
Agriculture

Forest
Service

Northern
Research Station

1992 Folwell Ave
St. Paul, MN 55108

File Code: 6100/6500

Date: April 30, 2020

Route To:

Subject: Liability - When FIA Employees Access Private Lands

To: To Whom It May Concern

The Northern Research Station, Forest Inventory and Analysis (FIA) Research Unit, of the U.S. Forest Service is charged with inventorying forest lands and vegetated areas in the northern United States. To accomplish this mission, FIA employees must visit and measure pre-selected inventory plots within a twenty-four state area in order to provide reliable data to describe the status, extent, and health of forests in the northern United States.

These plots are on both public and private land. In order to properly complete the inventory, our staff must be given access to private property. Because of this access, questions arise as to the possible liability involved in government workers accessing private land.

The questions are basically twofold:

1. If, in the course of their inventory, government employees damage private land or other property, the property owner may file a claim for damages under the Federal Tort Claims Act. As long as an employee is acting within the scope of his/her employment, the government is liable for any loss or damage created by the employee. The property owner may submit a claim directly to the agency for damages.
2. If, on the other hand, a government employee is injured while conducting an inventory on private property, the employee's medical expenses and lost wages are the responsibility of the Federal government through its Office of Worker's Compensation Program. There would be no reason to make a claim against the landowner.

I hope the above answers any questions you may have regarding our employees accessing your property. If you have any further questions, please contact Robert Ilgenfritz at 412-523-2495.

Your assistance in enabling the USDA-Forest Service to complete its inventory is greatly appreciated.

/s/Robert Ilgenfritz
ROBERT ILGENFRITZ

<https://www.nrs.fs.fed.us/fia/landowner/default.asp>



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