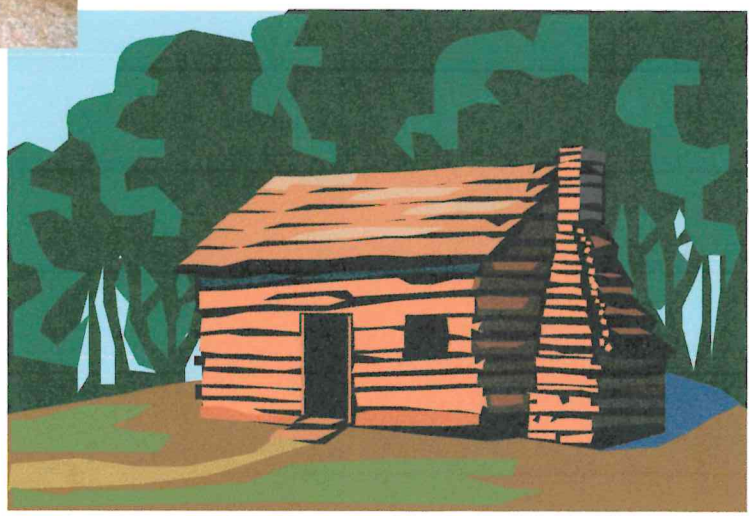
Management Standards

For

Recreation Residences

2011



Management Standards for Recreation Residences

Pike & San Isabel National Forests
Cimarron & Comanche National Grasslands

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Standards for Recreation Residence Special Use Permits

Introduction

These guidelines have been prepared for the Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands, (**PSICC,**) to explain the rules under which recreation residence special use permits are administered on this unit. Most of the policies and guidelines listed below are excerpts from the recreation and special uses sections of the *Forest Service Manuals* (FSM) and *Forest Service Handbooks* (FSH). Relevant sections from the manual are included in the appendix.

Since the exclusive occupancy of National Forest System lands by recreation residences must contain safeguards to protect the public land, and PSICC visitors, permits issued for this use contain stipulations that assist in reaching that goal. The following section is intended to help promote an awareness and understanding of the special use administration standards by which this Forest operates.

The contact person for special use administration is normally the District Recreation/ Lands Staff Officer or their assistant. Feel free to call them any time you have questions about your cabin or your permit. The District addresses and phone numbers are listed below.

Supervisor's Office	2840 Kachina Drive, Pueblo, CO 81008	719.553.1400
Leadville	2015 N. Poplar, Leadville, CO 80461	719.486.0749
Salida	325 W. Rainbow Blvd., Salida, CO 81201	719.539.3591
San Carlos	3028 E. Main, Canon City, CO 81212	719.269.8500
Pikes Peak	601 South Weber St., Colorado springs, CO 80903	719.636.1602
South Park	320 HWY 285, Box 219, Fairplay, CO 80440	719.836.2031
South Platte	19316 Goddard Ranch Ct., Morrison, CO 80465	303.275.5610

Definition of Recreation Residence

Recreation residences in the National Forest were established to provide a non-commercial forest recreation experience. In order to ensure that the recreation intent is maintained, it is required that the recreation residence must not be used to the exclusion of a home elsewhere. A home elsewhere can be a house, apartment, mobile home, or other reasonable domicile owned or rented and must be open and available to the permittee at all times. It cannot be simply an address used in the pretense of a home elsewhere. It must be a place where the permittee routinely receives mail, is registered to vote, where children attend school, and from where the permittee normally commutes to work. There is no limit on the length of stay in a recreation residence. However, the above criteria make it clear that a permittee shall not utilize the residence continually for 12 months a year. The recreation residence should be utilized at least a

minimum of 15 days per calendar year by the permittee to ensure that the privilege granted by the permit is exercised and the continued exclusive private use of public land is justified.

Guidelines for Recreation Residences

The recreation residence is used for personal recreation use only, and shall not be used for any commercial activity. Permittees may not use the recreation residence as a place from which they routinely commute to work on a full time basis, nor may their relatives, or guests. No business of any form may be conducted from a recreation residence. Some typical examples that would be prohibited are real estate sales, firewood sales, carpentry, repair services, and snowmobile rental.

Permits

The subject of permits has been an area of some confusion for cabin owners and others over the years. Following is a listing and description of the primary permits, which are currently in use as related to recreation residences. The correct definition of a Term Permit is "A special use authorization to occupy and use National Forest System land, for a specified period that is both revocable and compensable under its terms."

1. **Term Special Use Permit for Recreation Residence (Form FS-2700-18, 6/88)**
   This is a Term Special Use Permit that was issued to all permit holders on the Pike and San Isabel National Forests in January 1989. It supersedes any and all other permits, which may have been in place at that time. This permit was an outgrowth of the Chief's proposed new National policy for recreation residences, and it contains many provisions and conditions requested by permittee organizations. In January 1996 this permit was modified by the replacement of the terms and conditions for Parts I-IX with those contained in form FS-2700-5a (01/94). This combination is the one most familiar to long time cabin owners on the Pike and San Isabel National Forests.

2. **Term Special Use Permit for Recreation Residences (Form 2700-5a, 02/07)**
   This permit is the most recent revision of the recreation residence permit. This permit was created as a result of the passage of the Cabin Users Fee Fairness Act.

3. **99 Year Lease**
   The so-called "99 year lease" is mentioned here only because the term has been much discussed and misunderstood over the years. Many permittees have had (and some still have) the mistaken impression that their permit is a 99-year lease. Actually, there is not now, and never has been, an instrument in the Forest Service known as a "99 year lease" – and it is uncertain exactly where this idea originated.

   Apparently, the "99 year lease" was not an uncommon practice **on private land** in the early part of the century, and some such leases for summer homes and subdivisions do exist on private land in the foothills and mountain areas. It is possible that these areas,

because of their location adjacent to or near National Forest land became associated, in the view of some permittees, with National Forest recreation residence tracts.

General Permit Requirements

Permittees may on occasion ask, "Why have inspections?" or "Why so many rules and policies?" The requirements are to administer the recreation residence permit in a manner that will maintain a forest-related recreation experience for the permittee and the public and to prevent that experience from being significantly lessened by the presence of human improvements.

The regulations and conditions governing the use, maintenance and reconstruction of recreation residences are those necessary to comply with state, county and local ordinances, building and sanitation codes, and to safeguard the interest of the general public in the National Forests. Restrictions and special rules are designed to fit local conditions, and their objectives are to:

1. Prevent urbanization of recreation residence tracts by limiting the addition of improvements. To achieve this objective, we have limited the size of structures and number of buildings allowed per lot.

2. Help assure the safety of the permittees and the general public.

3. Protect the forest environment from degradation as a result of encroachment of city type development, such as bright colored buildings, T.V. antennas, elaborate ultra modern structures, urban landscaping, or cabins that turn into shacks due to poor maintenance and an accumulation of junk around them.

4. Protect the forest environment including soil, vegetation, water, wildlife, and air quality.

5. Comply with the meaning and intent of the special use permit.

6. Comply with the Act of March 4, 1915, the legislation, which authorized use and occupancy of National Forest land for recreation purposes such as summer homes, stores, and resorts.

7. Comply with the 1966 National Historic Preservation Act, by recording and protecting historic values associated with eligible summer homes, some of which may be prime examples of a style of vernacular architecture or of a traditional recreation lifestyle.

Transfer of Improvements and Issuance of New Special Use Permits

1. General conditions requiring the issuance of a new permits are:

(a) Transfer or sale of improvements.

(b) Adding or removing a name from the permit as the result of death or divorce or for personal reasons, such as creating a trust.

2. Sale of a recreation residence on National Forest land involves a sale of only the structures thereon. The sale value of your improvements will depend upon how you maintain them.

3. Authority to use the land occupied by the improvements is granted by a special use permit signed by the District Ranger. This permit itself is not transferable. Upon change of ownership it must be terminated and a new permit issued. A recreation residence special use permit grants the use of a specific lot for residential purposes for a definitive period of time. Additionally a part of the permit is for specific structures etc., which occupy National Forest System land. Only those improvements listed on the permit are authorized.

4. Issuance of a new special use permit may be requested by a permittee(s) desiring to sell their cabin. However, issuance of the new permit is not automatic. Limitations and different requirements brought about by 50 years of changes in public needs and demands may be incorporated in permits to new owners. Issuance of the new permit will then be subject to acceptance of these terms by the new owner.

   Since Real Estate agents often do not understand the special use permit or the permitting process, prospective buyers and sellers of improvements should personally contact the District Recreation Staff to find out under what conditions a new permit will be approved. A conditional sales agreement or escrow instructions could provide that the permit be available for the buyer's inspection prior to closing the purchase. Prior to issuing a permit to a new owner all unauthorized items will be removed from the permitted area.

5. The District Recreation Staff should be informed of contemplated sales involving the recreation residence. The seller and buyer must execute page1 of the combined relinquishment /application form FS-2700-3a. This is a formal notice to the District Ranger of intention to sell and request that the permit be terminated and a new one issued to the buyer. In addition, a Bill of Sale, deed or other proof of ownership must be submitted. A service fee will be charged for the permit transfer.

6. Upon receipt of the completed relinquishment and application form the District Recreation Staff will arrange for an inspection of the recreation residence and recommendations for a new permit may be made subject to the correction or improvement of any substandard condition(s) noted. The new permit may be withheld pending the satisfactory correction of major unsatisfactory conditions. If only minor corrections are needed, a time schedule may be agreed upon for completion of these items. Acceptance by the new owner will be necessary to validate the permits.

7. Sales of improvements that are part of an estate require submission of evidence that the person signing the relinquishment is the legal heir, administrator or executor of the estate.

8. Permits are issued in the name of one individual or to a husband and wife. Existing permits that were not issued to an individual or husband and wife will be revised at the first opportunity so that the responsible individual is identified.

9. No more than one recreation residence special use permit shall be issued to any single family (husband, wife, dependent children).

10. The new permittee must meet with the District Recreation Staff and go over the terms and conditions of the permit prior to signing it.

11. A conditional sales contract protects the seller and is recognized by the Forest Service to the extent that in the event of default of contract, the permit to the buyer who defaults will be terminated and new permit issued to the person showing legal right of possession. The permit is a privilege granted to an individual. The seller cannot assure the buyer that the privilege of occupying National Forest land will be continued.

12. Use of National Forest System land for facilities such as roads and pipelines requires additional permits. In addition any maintenance of roads on National Forest System land requires a permit.

13. A recreation residence permit holder must be an individual, a married couple, or a designated representative of a formally established family trust.

14. The holder of the permit must be able to demonstrate ownership of the authorized improvements. When the holder is a designated representative of a family trust, the holder must be able to demonstrate ownership of the authorized improvements in the name of the trust that they are representing.

Destruction, Abandonment, Termination, and Future Use

The Pike/San Isabel National Forests will manage recreation residences in accordance with *Forest Service Manual* and *Forest Service Handbook* direction. These policies recognize the need to provide for public safety, to protect forest resources, and to balance the growing needs for all National Forest users.

Destruction – Upon substantial destruction of a residence by fire or natural causes (falling trees, limbs, avalanches, landslides, floods etc.), the permittee will be given the following options:

(a) The permittee may rebuild a residence on the lot if the authorized officer determines that the site can be safely occupied and that re-building will be allowed. Building plans

must be approved by, the Forest Service, State or county and others (where appropriate). Re-building must be completed within two (2) years.

(b) Or, the permittee may elect to abandon the residence, in which case the permit will terminate after the Forest Service has received written notification of abandonment and given written agreement to the request. The permittee will be responsible for removal of all improvements and restoration of the site to it' natural condition

(c) Or, the permittee may elect to sell the partial residence remaining on the lot. In this case, the Forest Service will review the site and write an inspection report outlining work to be completed and a corresponding time schedule.

Under no circumstances will separate structures (guest houses, storage sheds, garages, etc.) be authorized.

2. Abandonment –

Upon abandonment (i.e. non-use, non-payment of fees etc.) of improvements, the permittee will be notified of the termination of the permit. The permittee will be informed of their obligation under the permit to restore the permitted site to its natural condition. A maximum 6-month time limit will normally be given, subject to weather conditions.

If the permittee fails to remove their improvements (or remains should they be destroyed/damaged), the Forest Service will remove them and restore the site at permittee expense; a Bill of Collection for all costs associated with site clean up and restoration, including employee salary, will be sent to the permittee.

3. Termination / Future Uses –

a. All recreation residence permits on the PSICC will have a common termination date. Any permits issued as result of a transfer will have the same expiration date as the previous permit.

b. Term recreation residence permits are issued for a specific period of time and provide for reimbursement as outlined in the permit, should public interest require termination of the permit during the term period.

c. There is no guarantee, implied or intended, that a new permit will be issued at the end of any currently existing term permit. Prospective permittees should realize the necessity of amortizing any personal investment during the period of the permit.

d. Permits will be issued for existing residences at the end of their current terms when it is in the public interest to do so and no management use conflicts exist.

e. Permittees are encouraged to check with their District Ranger or district staff for information on anticipated future management requirements concerning their continued exclusive use of National Forest lands. In addition, the District Ranger will make every effort to keep the permitees informed of changes that might affect them.

It is Forest Service policy to provide permittees 10 years advanced written notice if the use is to be terminated for some other use. Exception: (a) when it is in the public interest, particularly when the final decision authority does not rest with the Forest Service (e.g., state highway relocation); (b) when there is an uncorrected breach of the permit; or (c) the site has been rendered unsafe by a catastrophic event such as flood, avalanche, or landslide.

Use of the Permitted Area

The use of recreation vehicles for guest rooms is not authorized. Pickup campers, vacation trailers, tent trailers, and motor homes may not be stored on a recreation residence lot. It is realized that visits by friends driving such vehicles are common and that some permittees may drive such vehicles while using the recreation residence. Occasional temporary use is permissible. The intent is to prevent recreation vehicles from being used as regular sleeping quarters and from being stored on a recreation residence lot.

Public Use

The special use permit does not provide exclusive use of National Forest System lands to summer homeowners. The public has the right to cross-land under special-use authorization if necessary for all lawful access to adjacent National Forest lands. At the earliest opportunity, borderline or off-lot improvements blocking necessary public access to lakeshore, streamside, and other areas will be removed. The public does not have the right to use land within the permitted lot boundary for activities such as picnicking, camping, or vehicle travel and parking. However, the permittee shall not place private property or no trespassing signs on the National Forest System land. Signs approved by the Forest Service, which delineate the site as being authorized under special use permit may be placed on lot boundaries.

Subleasing / Rental

Subleasing and rental are considered synonymous. Any subleasing of the site and improvements shall be authorized only by a written document issued in advance by the authorized Forest Service line officer (District Ranger) and will be for recreation use only. It constitutes use by another party or parties in addition to the minimum 15 days of recreation use each year by the permittee. Subleasing will be incidental to the permittees personal use and will normally be of a short duration. As a guide, "short duration" is 2 weeks (14 calendar days), although periods of up to 30 days may be authorized.

The intent is to allow better utilization of National Forest System lands. Subleasing decisions will be made and documented in the permit folder, citing reasons for the decision. Keep in mind

that the Forest Service is not obligated to allow permittees full recovery for costs of owning a recreation residence by subleasing. An application for subleasing is found in the attachments.

Permitted Structures – Improvements

1. General

An objective for a recreation tract is to give the impression of a forest having a few cabins – rather than a subdivision with a few trees. Therefore the dominant character of a recreation residence tract must be the forest environment, not the improvements. The residences and lots should be cared for to retain the tract's visual and historic character.

NOTE: ***If the historic standards of a particular lot group are more stringent than these standards, then the lot group's standards will prevail. Lot group standards may include but not be limited to architectural style, lack of electrical or telephone service, lack of wells or indoor plumbing, smaller square footage limits, no porches or decks, or any other standards that have been in practice for a particular lot group.***

2. Authorized structures

Only those structures or improvements named on the face of the permit are authorized. The objective is to have only one dwelling per lot (recreation residence). Unauthorized structures (i.e. guest houses and sleeping quarters) will be phased out as opportunity allows, or attached through alterations of design, such as with a breezeway (if the resulting total size of the residence does not exceed 1240 square feet). Opportunities that may allow removal of excess structures include:

(1) a change in ownership,
(2) expiration of the permit,
(3) a request for new construction, and
(4) destruction of the structure.

Separate structures such as pump houses, storage sheds, generators, and outhouses (subject to county approval) may be authorized if they cannot be logically incorporated into the main residence. Separate structures will be included in the 1,240 square feet total living space allowed and shall not exceed an aggregate of 100 square feet.

New construction or reconstruction of guesthouses and garages with/without sleeping facilities shall not be authorized under any circumstances.

3. Plans

The special use permit requires a permittee to submit conceptual design and layout plans for proposed development or changes to the District Ranger. The conceptual plans should be detailed enough to allow preparation of an analysis, and the details should include roads,

trees, rock outcrops, planned and existing improvement location, and lot boundary as accurately as possible. The size of the structure should also be indicated.

After review by the District Ranger and receipt of the ranger's approval-in-concept of the proposed development, addition, or alteration, the permittee's construction plans shall be approved by the county, in which the structure will be constructed. The plans will also be reviewed and approved by the appropriate Forest Service personnel. The architect's or engineer's signature and seal will appear on the plans submitted to the Forest Supervisor's office. The permittee must also obtain required permits from other state or county and submit these to the Forest Service before the project can start.

New construction, alteration, addition, or substantial repairing of existing improvements will be authorized only when it does not exceed the maximum size standard, 1240 square feet, and is compatible with the forest environment. Comments from affected neighbors will be requested along with project proposal plans for additions to cabins.

Approval for new construction and alterations is given for the upcoming year only. If work has not commenced within the one year period, new approval must be sought (to accommodate possible changes in circumstances related to the proposed construction). Once work has commenced, the permittee has 18 months to complete all exterior work, so the residence looks finished from the outside. It is permissible for interior work to continue beyond 18 months, but no lumber, building debris, or other materials may be stored on the lot outside the authorized improvements.

4. Size

A recreation residence building may not be constructed higher than one story and a loft if on level ground. Total height will conform to county ordinance. For the purposes of these standards, a loft is defined as interior space meeting the following description: The square footage is two-thirds or less of the ground floor area. Total square footage not exceed 1240 square feet including main floor, loft, etc.

- The loft is open with no intervening partitions.
- No bathrooms are included in the loft.
- The loft is not partitioned off from the vaulted ceiling of the main floor (where applicable).

The interior living space or the recreation residence is limited to a maximum1240 square feet and may be much less in some summer home groups depending on the group character. This includes any loft, but not an exterior deck or screened-in porch.

5. Decks, Appurtenances, and Minor Improvements

Decks and patios must be attached to the residence. Combined deck and/or patio size will not exceed 600 square feet. Decks on only one side of the residence are preferred. Deck and patio location must be approved by the Forest Service and must be within the setback line

(see Improvements Standards, Item 8). If area under deck is used for storage it must be fully enclosed. Lattice is prohibited due to the fire hazard.

Appurtenances may be approved on a case-by-case basis if they do not detract from the forest setting. Examples:

- Satellite dishes/antennas - normally will not exceed 18" in diameter and may be approved on a tract, or association basis only. May be installed only on a post/pole with a height not to exceed 10 feet above ground line. No roof mountings will be allowed.

- Solar panels – may be approved if constructed of a non-reflective color harmonious with the forest setting.

- Hot tubs – may be approved subject to the surrounding groups approval regarding Section 106 of the NHPA. If approved it will be constructed directly adjacent to the main structure or on the attached deck and will be screened so that it is not visible by neighbors or from public vantage points.

- Swing set – may be approved if made of natural material that blends will with setting and does not damage trees.

- Bar-B-Qs – may be approved if incorporated into deck or patio area, with Forest Service approval. Bar-B-Q's and fire pits may not be built into natural features (i.e., mortared against rocks). Existing outside fireplaces may remain if maintained and compatible with forest setting. No new permanent fireplaces will be authorized. With the availability and safety of small, portable grills and propane units, it is not necessary to construct permanent fireplaces of rock or brick.

Outhouses

Outhouses must be constructed of materials and colors to blend with the cabin and other outbuildings. They are included as a portion of the maximum 1,240 square foot allowed, and the 100 square foot maximum for separate structures. The replacement or relocation of an outhouse, must be authorized by the Forest Service before work commences. Replacement outhouses should have a sealed vault, be self contained composting, chemical or propane-fired, which meet local and county regulations.

6.Utilities

Electric and telephone service must be authorized by the Forest Service, prior to installation and must meet standards for safety and proper installation. All new utility lines shall be

buried underground: phones lines a minimum of 24", power lines a minimum of 36" in depth or to Federal and State code.

Improvement Standards

1. General

(a) Mobile homes or trailers are not permitted.

(b) Only one single-family residence shall be constructed on each lot. Separate structures may be permitted for uses not logically attached to the main structure, (i.e., outhouse, pump house, generator). Where septic systems are not authorized, sealed vaults, composting, propane fired or chemical toilets are required.

(c) To the extent feasible, the overall appearance of improvements will be inconspicuous. They will not contrast unnecessarily with natural landforms on the site. Design will emphasize low, predominately horizontal lines or will duplicate dominant landform line of the building site or background. Where possible, structures will be placed with their long site parallel to natural slopes. Unusual forms may be appropriate if handled tastefully. This ordinarily will require the services of a highly skilled designer.

(d) A chimney, flue, and spark arrester must be installed in accordance with federal, state, and county ordinances and regulations. Wood stoves must be installed in accordance with manufactures installation instructions. Electrical wiring installation must conform to the code adopted by the local county.

(e) Yard lighting is normally discouraged however, where needed for safety it should be mounted on buildings or on freestanding posts. Power lines to lights, between buildings or to low intensity walkway lights will be buried.

(f) Handrails, fences, and gates will be constructed of wood and must be approved prior to installation. Fences and rails may not be attached to trees.

(g) Propane tanks are allowed: they should be screened or painted (if allowable by local code) in a subdued, non-reflective color.

2. Operation and Maintenance Plan

A requirement of the special use permit is that the permittee and the Forest Service jointly prepare an operation and maintenance (O&M) plan, which will be reviewed annually and

updated as necessary. This O&M Plan will cover requirements such as maintenance of facilities, removal of vegetation, signing, fire protection, removal of garbage and trash, and the person responsible for implementing the plan.

3. Signing

Signing will not be permitted except as shown below. All signs must be of a rustic nature and must be approved in advance by the authorized officer.

All cabins must display a lot number that it is easily visible from the driveway. The owner's name and cabin number may be shown on a rustic, routed wooden sign. Maximum size of the sign is 18"x 8"x 2".

Accepted lettering and sign colors will conform to Forest Service Sign Manual (EM 7100-15) paint standards for wood routed signs. Signs may not be nailed to trees. Painting lot numbers on natural features is not allowable. "Private Property" or "No Trespassing" signs are not allowed. The yellow and black National Forest Service sign "Notice- This Use of National Forest Land is authorized by the Forest Service- U.S. Department Of Agriculture" small metal sign number 27-5, (or its earlier version) will be attached in a prominent position on the main structure (to be supplied by the Forest Service).

4. General Standards for Construction

The forest/mountain environment including its inherent activities and lifestyle is very different from the urban environment, and the Forest Service is striving for a standard that will be compatible with the natural environment. Following are some guides relating to this standard:

(a) Modern materials such as structural steel, concrete, and glass in well-designed combination with wood or stone are acceptable.

(b) Buildings constructed entirely of metal are usually not acceptable.

(c) Wood and stone used in essentially rough form harmonizes very well with natural surroundings. The exterior of other materials used should appear similarly rough textured. Large even surfaces should be broken. Uniform lineal patterns are not desirable.

(d) Roofs must be designed and built to withstand the maximum snow loads of the area as specified in applicable county building codes. Pitched roofs of at least 5" rise to 12" run are recommended.

(e) The following roof coverings are acceptable:

(1) Color-impregnated metal roofing may be used. Dark colors with a non-reflective finish will be approved where compatible with the forest setting.

(2) Composition shingles (mineral surface and asbestos), tile, and other flexible materials.

(3) Although shake and wood shingle roofing is desirable visually, summer homes located in dense forest should be roofed with non-flammable materials such as composition shingles or metal.

(f.) Acceptable materials for exterior walls and porches may be as follows:

(1.) Textured exterior plywood, wooden vertical or horizontal siding, peeled logs, native stone, or manufactured "logs." Combinations of these materials are often more acceptable than a single material.

(2) Small concrete blocks, lightweight aggregate blocks, split face block, and similar materials in mute tan, gray, green, and charcoal are acceptable in appropriate combination with wood. The use of white or bright colored mortar or stucco, corrugated iron or tarpaper **will not be approved.**

(g.) Foundations:

(1) Continuous foundations of approved materials are required. Exposed foundations shall extend above the ground only as far as necessary to conform to good construction practices.

(2) Solid masonry chimneys must extend to a solid ground foundation with adequate footing. Freestanding fireplaces of an approved design may be authorized.

(h.) Colors

The exterior of improvements must be harmonious with the forest setting. Semi-transparent stains, which allow natural wood of a structure to be seen, are preferred over paints. Where paints are used, use of colors found in native soil, bark, rock, and vegetation during most or the year will achieve the desired harmony. Examples of such colors include brown, charcoal gray, green-green, and tan. Non-reflective matte finishes are more harmonious with the natural texture of the surrounding forest that is bright, shiny surfaces.

Window trim, door casings, shutters, and other outside trim should harmonize with the main structure and the environment and generally should not present strong contrast. Colors such as white, bright green, orange, blue, or yellow are not acceptable. Aluminum window and door sashes must be in dark color, such as bronze anodized finish. Bare aluminum will not be permitted (existing ones will be allowed until replaced).

5. Hazardous Trees

A "hazard" tree is defined as one, which poses a significant threat to the residence, associated structures, the parking area, or outdoor areas of frequent use. Hazard trees include dead, dying, or strongly leaning trees within striking distance of improvements or use areas. Trees causing structural damage to an improvement (such as root growth causing a foundation to crack) can be considered hazard trees as well. The permittee will work with the Forest Service to ensure that sufficient vegetation (trees, limbs, brush and grass) is removed to allow for an adequate "defensible space" (as defined by Forest Service fire standards) around the structure in the event of wildfire.

Administration of hazard trees and other vegetation on recreation residence tracts will be managed to meet fire and other safety needs while preserving the forest environment in as natural a state as possible. Permittees are responsible for the identification and removal of trees that are hazardous to their improvements (whether they are located on or adjacent to permitted lots), but must obtain Forest Service approval prior to removal of any tree. Under no circumstances will the Forest Service contract for any tree removal that is the responsibility of the permittee unless it is done through a cooperative agreement under which the permittee is responsible for all costs associated with this work. Permittees should contact the Forest Service if they are concerned about a particular tree. In addition the Forest Service may identify hazard trees during inspections and require permittees to remove them.

In any calendar year, hazard trees within the boundaries of the recreation residence lot will be authorized for use on or off site if a firewood permit is purchased (by the holder) from the Forest Service district office. If a firewood permit is not purchased the material generated from the removal of the hazard trees will be placed off lot such that it may be collected by the public with proper permits in place.

6. Landscaping

Landscaping is authorized only to restore natural conditions. Urban-like flower beds, lawns, and large, permanent decorations are not acceptable. Walks should be gravel or native materials. Exceptions must be approved by the District Ranger in consultation with the Forest Landscape Architect. Removal of vegetation solely to improve views and visibility will not be approved.

Attachments or nails are not allowed on or in trees. Such attachments include, but are not limited to: gates, yard lights, power lines, fences, benches, signs, clotheslines, and wires. Livestock, including recreational saddle stock, shall not be kept on summer home lots.

7. Lot Line and setback

When improvements are proposed it will be the responsibility of the permittee to locate their lot corners in order to comply with setback requirements. Corners will be marked with metal

pipe to approved Forest Service standards. All structures shall be setback a minimum of 10 feet from the marked lot line. Existing main residences encroaching on the lot line and/or setback line may remain until it is reasonable to move them, (i.e., rebuilding due to fire, flood, etc.). All other improvements will be removed and /or relocated, if authorized, at time of permit transfer. Variances may be granted on a case-by-case basis.

8. Roads and Bridges

Those roads/bridges that are not maintained by county, state, or other agency, or do not serve a public or other resource need, will be placed under permittee association for the tract. The roads/bridges will be maintained to Forest Service standards, which shall be defined in the operating plan that is attached to the permit as an exhibit. Those roads serving both public and recreation residence needs, will be on a cost share basis – details will be worked out on a case-by-case basis.

The following criteria will be used to determine maintenance responsibility:

- Does the road/bridge serve resources or activities other than the cabins?
- Does Forest Service manage this resource/activity?
- Would the road/bridge exist if not for the cabins?
- Is there a potential Forest Service need for the road/bridge?

If the answer to all questions is yes, then the Forest Service should maintain the road/bridge. If the answer is no, then the Cabin Owner or Association will be responsible for maintenance. Answers of yes and no mean there is a shared responsibility, and an agreement will have to be reached on the proportionate shares.

9. Gates

On Forest Service or county maintained roads, gates will be installed only to prevent or reduce resource damage and will be closed only during the normal seasonal closures to all vehicles. On permittee or association maintained roads, gates may be approved that will restrict public vehicular traffic. These gates will be approved Forest Service design with appropriate safety signs attached. In addition an approved sign (as approved by the Forest service) with wording to allow foot traffic access to National Forest lands behind the gate and beyond the summer home group will be installed adjacent to the gate. All gates will be required to have a Forest Service lock in addition to the locks of any other users of the gate. If the road has shared maintenance, then the road/gate will be treated as though it were a Forest Service maintained facility. In addition a sign shall be installed by the association, which informs the public that the gate/road is under special use permit.

10. Off-lot Improvements

All improvements off the lot must be authorized on the face of the permit, using the appropriate authority (Act), or by separate permit. This would include improvements such as water systems (pipes, tanks, pump houses, power lines etc.), sanitation systems, and outhouses.

11. Fences

Fences will not normally be approved. Exceptions may be made when a fence is appropriate to define general public use areas from cabin use areas, or to meet other resource needs such as excluding livestock authorized under a grazing permit and when it can be done within acceptable visual management constraints.

12. Water Systems

The owner of the recreation residence, or an association of owners if applicable, is responsible for testing drinking water and assuring its purity in compliance with state regulations.

If a well is authorized, the owner(s) of the recreation residence must obtain necessary well permits from the state. Water rights will be obtained in the name of the United States, not the permittee. New requests for wells in drainages where state water rights are already over allocated will normally be denied. In cases where existing well permits or water rights are in place the permittee shall be responsible for any augmentation, which may be required by the state. In addition adequate septic systems (including gray-water) will be required in compliance with local State or county regulations.

13. Public Access Delineation

The Forest Service in partnership with the cabins/tracts will work to define and separate public and tract space by delineating public access routes to National Forest areas located beyond the tacts. This may be done, for example, by developing public parking, open type (split rail) fences, and trails signed for public use. Consideration will be given to protection of sensitive plants, animals, and archaeological areas.

12. Trash

Trash shall not be allowed to accumulate or present a wildlife habituation problem. Trash shall be removed when the property is vacant.

Inspections

The premises and improvements are subject to Forest Service inspection to assure permittee compliance with terms of the special use permit, which requires that an acceptable standard of repair, cleanliness, and fire safety be maintained. Unauthorized structures/items, which are

found on the permitted site will result in a notice of non-compliance with the terms and conditions of the permit. Continued failure to correct non-compliance issues will result in adverse action being taken against the permit.

NOTE: THESE STANDARDS AND GUIDELINES WILL BE USED FROM THIS DATE FORWARD. EXISITING CONDITIONS, WHICH ARE IN CONFLICT WITH THIS DOCUMENT MAY BE ADDRESSED ON A CASE-BYCASE BASIS, WITH CORRECTIONS BEING MADE WHERE POSSIBLE AND WHEN PRACTICAL.

GLOSSARY:

authorized officer
Any Forest Service employee with delegated authority to evaluate and administer special-use authorizations.

day users
Those recreationists who travel Forest roads or highways and stop at developed sites or dispersed areas for swimming, picnicking, fishing, taking pictures, or other activities. Generally their length of stay is short.

design capacity
The maximum theoretical amount of use a developed recreation site was built to accommodate.

developed recreation site
Distinctly defined area where facilities are provided for concentrated public use (e.g., campgrounds, picnic areas, boating sites, ski areas).

dispersed recreation
Outdoor recreation that occurs outside of developed recreation sites (e.g., scenic driving, hunting, backpacking, fishing).

expiration
The cessation or termination of a special-use authorization upon reaching the end of the specified period of occupancy or use.

FSH
Forest Service Handbook.

FSM
Forest Service Manual.

holder or permittee
The person or entity to whom a special-use authorization is issued.

in-lieu lots
Lots located on the National Forest, where displaced residents may establish new recreation residences.

land/water interface
The strip of land bordering on and directly influenced by a stream, river, or lake. The interface has high recreational value because it offers views of the water, water in motion may be heard, and access to the water is relatively unrestricted.

mitigation
Actions taken to avoid, minimize, reduce, eliminate, or rectify the adverse impacts of a practice.

open space
Land adjacent to recreation facilities that is kept free of any major development.

permit holder
Any applicant who has received a special use authorization (see FSM 2705). A recreation residence permit holder must be an individual, a married couple, or a designated representative of a formally established living or family trust. The holder of the permit must be able to demonstrate ownership of the authorized improvements. When the holder is a designated representative of a family trust or living trust, the holder must be able to demonstrate ownership of the authorized improvements in the name of the trust which they are representing.

persons-at-one-time (PAOT)
A term used to measure recreation capacity, which means the number of people that can use a facility or area at one time. PAOT capacity represents the design capacity for a facility or the theoretical maximum capacity over a period of time.

private use sites
Recreation sites developed and operated for use exclusively by private groups, organizations, or individuals. These include clubs, private camps, and recreation residences.

privately provided recreation sites (private sector)
Recreation sites developed and operated under permit by private parties or groups. These sites may be developed for private, public, or semi-public uses. (See definitions for private, public, and semi-public use sites.)

public space
Space in recreation areas dedicated to public say use, such as picnicking, sun bathing, beaching of boats, access to fishing, strolling, bird watching, photography, etc. Development consists of minimal facilities such as parking lots, trails, and signing.

public use sites
In general, those recreation sites developed for use of the general public, such as campgrounds, picnic sites, and boating sites. Ski areas, resorts, and other privately provided sites open to the public also fit into this category.

publicly provided recreation sites (public sector)
Recreation sites and facilities developed and managed by the Forest Service. Examples are campgrounds, picnic areas, and boat launch ramps.

recovery
Cancellation or non-renewal, for other purposes, of special use permits such as resorts, recreation residences, and organization camps. The improvements would be removed and the land used for other activities (e.g., campgrounds, picnic areas, waterfront access).

recreation residence
A privately owned dwelling within an established recreation residence tract on National Forest System land, authorized for maintenance and use under a special use permit. A recreation residence is to be used by permittees, their families, and guests for enjoyment of related National Forest lands and recreation resources. It is not intended for use as a primary or permanent residence.

recreation visitor day (RVD)
Twelve hours of recreation use in any combination of persons and hours, i.e., one person for 12 hours, three persons for 4 hours, etc.

renewal
The issuance of a new special-use authorization, usually upon the expiration of a previous authorization.

scoping process
Process used to identify issues and concerns that are within Forest Service authority to resolve. May be in-house, public, or both.

semi-public sites
Those recreation sites providing facilities and services to a segment of the public, generally through development of camps by non-profit organizations, institutions, sites, or other agencies (e.g., Boy Scouts, Girl Scouts, city recreation departments).

special-use authorization
A permit, temporary permit, lease. Or easement that allows occupancy, use, rights, or privileges of National Service Systems land.

suspension
The temporary withholding, either entirely or partially, of occupancy or use privileges granted under a special-use authorization.

termination
Termination is the situation where the permit is no longer in existence and the permitted activity is no longer authorized. A permit terminates or is terminated as the result of a specific event, condition, or action, or by mutual agreement.

water influence zone
Area oriented to outdoor water recreation.

Appendix:

Excerpts From Forest Service Manual

2721.21 – *Isolated Cabins*: This designation includes isolated recreation cabins located on sites not planned or designated for recreational cabin purposes. Use of these cabins originated from situations other than occupancy trespasses or invalid mining claims. In most circumstances, these uses should not exceed 15 years.

See FMS 2721.23 for direction of recreation residences and FSM 2723.71 for direction on resolving trespass and invalid mining claims problems.

The minimum permit fee is calculated based on land appraisal..

2721.23 – *Recreation Residence*: This designation includes only those residences that occupy planned, approved tract to those groups established for recreation residence use. (See FSM 2347 for basin policy on recreation residence use.

2721.23a – *Administration*: The following direction only relates specifically to issuance and administration of special use permits for recreation residence. For recreation residence permits in Alaska, follow the additional requirements in section 1303(d) of the Alaska National Interest Lands Conservation Act.

1. Issue special permits for recreation residence in the name of one individual or to a husband and wife. Upon reissuance, renewal, or amendment, revise authorization that the responsible person is identified.

2. Issue no more than one recreation residence special use permit to a single family (husband, wife, and dependent children).

3. Do not issue special use permits for recreation residences use to entities such as commercial enterprises, nonprofit organizations, business, associations, corporations, partnerships, or other similar enterprises, except that a tract association may own a caretaker residence.

4. To the extent possible, issue all recreation residence permits in a tract, or in logical groups of tracts with the dame expiration date.

5. To help defray costs and provide additional recreations opportunities, a holder may obtain permission for incidental rental for specific periods. Ensure that rental use is solely for recreation purposes and does not change the character of the areas or use to a commercial nature. Rental arrangements must be in writing and approved in advance by the authorized officer. The holder must remain responsible for compliance with the special use authorization.

6. Allow no more than one dwelling per site to be build. In those cases where more than one dwelling (residence/sleeping cabin) currently occupies a singe site, allow the use to continue in accordance with the authorization. However, correct such deficiencies if build without prior approval, upon transfer of ownership outside of the family (husband, wife, and dependent children).

7. When a recreation residence is included in the settlement of an estate, issue a new special use permit, updated to reflect policy and procedural changes, to the properly determined heir, if eligible. Prior to estate settlement, issue an annual renewable permit to the executor or administrator to identify responsibility for the use pending final settlement of the estate. When a recreation residence is sold, issue a new term to the buyer, if eligible.

8. Specify in the permit that the recreation residence must be occupied at least 15 days annually, the minimum acceptable period of occupancy.

9. Issue recreation residence term permits for a maximum of 20 years.

10. Do not initiate or conduct renewal studies for recreation residence continuance.

11. In the event a recreation residence is destroyed or substantially damaged by a catastrophic event such as a flood, avalanche, or massive earth movement, conduct an environmental analysis to determine whether improvements on the site can be safely occupied in the future under Federal and State lands before issuing a permit to rebuild. Normally, the analysis should be completed within 6 months of such en event.

    Allow rebuilding if the site can be occupied safely. However, if the need for a higher public use at the same location has been documented and established, do not allow rebuilding if the improvements are more than 50 percent destroyed.

12. At the time special use permits are issued, advise holders that they must notify the Forest Service if they intend to sell their improvements, and that they must provide a copy of the special use permit to a prospective purchaser before finalizing a sale. Whenever possible, advise a prospective purchaser of the terms and conditions of the special use permit before the sale is final.

13. Usually, do not stay a fee increase pending completion of an appeal of the fee under the administrative review regulations. Make any adjustments resulting from the administrative review through credit, refund, or supplement billing.

14. During the term of the permit, termination of the use may only take place in accordance with the terms and conditions of the permit.

2721.23b – *Applications*: Insofar as practicable, notify a new or prospective owner that he or she must make application the authorization to use existing improvements in accordance with 36 CFR 251.54

2721.23c – *Permit Preparation*:

1. Use the Modified Term Special Use Permit for Recreation Residence (FSH 2709.11, chapter 50), to authorize recreation residences, except use form FS-2700-4, Special Use Permit, when

    a. Extended use of a nonrenewable recreation residence is authorized and a minimum term of continued use cannot be predicted.

    b. Continuance of the recreation residence use is conditioned on the owner complying with specific Forest Service requirements before a term permit is issued.

    c. The improvements are managed by a third party pending settlement of an estate, bankruptcy proceedings, or other legal action.

    d. Year long occupancy is authorized by the Forest Supervisor, at which times the improvement ceases to be a recreation residence.

2. Include in either permit all authorized improvements associated with recreation residence use; however, do not authorize use of more than the statutory maximum of 5 acres under a term permit. Authorize community or association-owned improvements, such as water systems, by separate permit (form FS-2700-4)

2721.23d - *Fee Determination*: (FSH 2709.11, chapter 30).

1. Use fair market value as determined by appraisal in determining the base annual rental fees for recreation residence sites. Re-determine the base fee at 20-year intervals.

2. Adjust the fee annually by the annual (second quarter to second quarter) change in the Implicit Price Deflator-Gross National Product (IPD-GNP)

3. Use professional appraisal standards in appraising recreation residence sites for fee determination purposes (FS 2709.11)

4. Where feasible, contact with private fee appraisers to perform the appraisal.

5. Require appraisers to coordinate the assignment closely with affected holders by seeking advice, cooperation, and information from the holders and local holder associations.

6. Retain only qualified appraises. To the extent feasible, use those appraisers most knowledgeable of market conditions within the local area.

7. Before accepting any appraisal, conduct a full review of the appraisal, conduct a full review of the appraisal to ensure the instructions have been followed and the assign values are supported properly.

2727.23f – *Participation In Issue Resolution*:

1. Give notice of any recreation residence issues and appeals that reach the Regional Forester to holder representatives, and others that request to be notified, unless requested otherwise by the appellant. This includes the National Forest Recreation Association Homeowners Division and National Inholders Association. The purpose is, on a regional basis, to provide an opportunity for the holder representatives to participate in order to reduce conflict between holders and the Forest Service. As necessary, specify a Forest Officer to work with the holder representatives and others.

2. Consider information submitted by permittee representatives within the context of the Secretary of Agriculture's appeal regulations.

3. The reviewing officers may exercise their authority to extend the time given the permittees and other parties a reasonable time to submit their information, not to exceed thirty (30) days.

2721.23g – *Noncompliance*: Give written notice and provide a reasonable opportunity for a holder to correct special use permit violations before terminating the use for a breach that continues after notice and a reasonable opportunity for correction has been given.

2721.23h – *Site Restoration*: On termination or renewal of the permit, require the holder to return the property to a condition acceptable to the Forest Service upon approval of the Forest Supervisor.

2721.24 – *Caretaker Residence*: Refer to FSM 2347.12 for the policy on caretaker residence permits.