

Bridger-Teton National Forest Recreation Residence Operation & Maintenance Plan

District: Ranger District

Recreation Residence Tract: ____ Lot Number: ____

Permit Authorization Number: ____

Permit Holder Name		
Home Address		
Phone Number(s)	Home:	Cell:
Email Address(es)		

Emergency Contact Name		
Address		
Phone Number(s)	Home:	Cell:
Email Address(es)		

Prepared by: _____ Date: _____
 _____, Permit Administrator

Reviewed & Accepted by: _____ Date: _____

Reviewed & Accepted by: _____ Date: _____

Approved by: _____ Date: _____
 _____, District Ranger

Bridger-Teton National Forest
Recreation Residence
Operation & Maintenance Plan (Operating Plan)

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Introduction

Term Special Use Permit

The Term Special Use Permit is considered a contract between the Forest Service and the person who signs the permit (“Permit Holder” or “Permittee”). Pursuant to Section II A of the Term Special Use permit, this Operation and Maintenance Plan (Operating Plan) is made a part of the Permit Holder’s Recreation Residence permit. This Operating Plan will be reviewed annually, amended or modified by the District Ranger as needed, and will remain in effect during the term of the Special Use Permit.

Operating Plan Structure & Purpose

The Operating Plan identifies the Permit Holder (permittee), who is responsible for implementing the plan, and is divided into two categories as follows:

- ❖ **Section I of the Operating Plan** covers general information or direction (such as maintenance of facilities, removal of vegetation, signing, hazard tree removal, fire protection, removal of garbage and trash, security of trash or other attractants so they do not bring bears or other wildlife into the area, storage of conspicuous items such as boats, trailers, and automobiles, etc.).
- ❖ **Section II of the Operating Plan** covers lot-specific information and direction for each individual recreation residence lot under permit, including identifying special provisions, identification and management of conditionally accepted structures, addressing disposal requirements for unauthorized structures, approval of construction or reconstruction projects proposed by the permittee, and other specific items requiring written site-specific direction or documentation.

Permittee Responsibility

It is the Permit Holders responsibility to meet the terms and conditions of the Special Use Permit and Operating Plan, including appendices. This responsibility includes assurance that the recreation residence is operated and maintained in accordance with identified Forest Service Standards identified in Appendix 2 – BTNF Recreation Residence Standards, and in accordance with all State, County, and local ordinances.

SECTION I: GENERAL OPERATIONS & MAINTENANCE

A. Sources of Direction for Operating Plan Content

Direction within the Operating Plan is derived from National Forest policies and guidelines primarily within Forest Service Manuals and Handbooks, the Code of Federal Regulations, and within the Bridger-Teton National Forest Land and Resource Plan (Forest Plan). Specific recreation residence direction derived from these documents is identified in this Operating Plan, including the following Appendices, which are attached to and made part of this Operating Plan:

- **Appendix 1: Lot-Specific Site Plan (Site Plan):** The Site Plan is lot-specific and identifies the location of all structures and improvements on the lot, including recreation residence and outbuildings, septic and water systems, and utilities above and below ground. The Site Plan does not authorize improvements; it only serves to show where existing structures and facilities are located on the lot. The Permit Holder is responsible for updating the Site Plan and providing the updated document to the Forest Service when changes to the lot occur, or when new information becomes available.

- **Appendix 2: BTNF Recreation Residence Standards:** This document contains specific standards and guidelines and management direction for recreation residences on the Bridger-Teton National Forest. This document contains the bulk of the direction for operation and maintenance of recreation residences on the Forest.
- **Appendix 3: BTNF Recreation Residence Lot Inspection Form:** This form is utilized by the Forest Service to conduct and document permittee compliance with the terms and conditions of the Special Use Permit and Operating Plan. This topic is discussed further in Section I.G of this Operating Plan and in Appendix 2, Section VII.
- **Appendix 4: Bridger-Teton and Shoshone National Forests Food Storage and Sanitation Order:** The purpose of this special order is to minimize the potential for human contact with grizzly and black bears, which are found throughout most of the Bridger-Teton National Forest. Direction within this Special Order applies to all recreation residence permit holders on the Bridger-Teton National Forest, whether or not they are located within the area identified in the 2006 Special Order.

B. Authorized Improvements

Authorized Improvements are defined as constructed features authorized on the Recreation Residence lot such as structures or facilities. Authorized improvements must be identified on the face of the Special Use Permit or within Section II.A of this Operating Plan. If a structure, activity, or issue is not specifically addressed in the Special Use Permit or Operating Plan, the assumption is that it is NOT approved without specific written authorization from the District Ranger. Authorized improvement direction is discussed in detail in Section V of Appendix 2, (BTNF Recreation Residence Standards).

Incidental Improvements (Appurtenances)

Appurtenances may be approved on a case-by-case basis in Section II of the Operating Plan if they do not detract from the forest setting. These improvements may or may not continue to be approved at the discretion of the District Ranger. Examples include satellite dishes, TV antennas, solar panels, and hot tubs.

Incidental improvements authorized for each specific lot are identified in Section II.A of this Operating Plan.

Conditionally Accepted Improvements

Some improvements are identified on the face of the Special Use Permit as “conditionally accepted”. These improvements do not comply with national direction or Forest standards. The intent is to phase out conditionally accepted structures. Opportunities to facilitate removal of these structures include: (1) a change in ownership, (2) expiration of the permit, (3) a request for new construction, and (4) destruction of the conditional structure. Construction or reconstruction of conditionally accepted structures will NOT be authorized under any circumstances.

Conditionally accepted improvements for each specific lot and details regarding their management or disposal are identified in Section II.B of this Operating Plan.

C. Operation & Maintenance Requirements

Primary Objective of Recreation Residence Tract

The primary objective of the recreation residence 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 the tract must be the environment, not the improvements. The overall appearance of improvements should be inconspicuous, structures should generally match in color and theme, and lot improvements should not significantly contrast with natural landforms on the site. City-type development, such as bright or strong contrasting colored buildings, elaborate or ultra-modern structures, inappropriate urban landscaping, poor maintenance and/or accumulation of junk on the lot all present unacceptable degradation to the scenic quality of the recreation residence lot, track, and Forest.

To maintain the forest integrity and prevent urbanization of the recreation residence tract, the Permit Holder is required to operate and maintain the recreation residence as specified in this Operating Plan, including direction provided in the appendices.

Maintenance of Improvements

The Permit Holder is required to complete actions necessary to ensure that the lot and all improvements are maintained to standards of repair, orderliness, neatness, sanitation, and safety as identified in this Operating Plan, including standards identified in Appendix 2 – BTNF Recreation Residence Standards. The Holder is responsible for all costs to operate and maintain the recreation residence, outbuildings and facilities, and lot. It is recommended that the Permit Holder reference Appendix 3 (BTNF Lot Inspection Form) for a summary of items that often require annual attention.

Site Plan (Appendix 1)

The Permit Holder is responsible for updating the Site Plan and providing the updated document to the Forest Service when changes to the lot occur, when new information becomes available, or when requested by the Forest Service. If the Site Plan is not current, new permits will not be issued to purchasers of a recreation residence and authorization to construct or reconstruct improvements will not be approved. The Site Plan does not authorize structures or facilities; it merely shows the location of existing improvements on the lot.

Non-Compliance Actions: Upon notice of non-compliance with the terms and conditions of the Special Use Permit and Operating Plan, the Permit Holder is required to complete corrective actions identified by the Forest Service by the due dates specified.

D. Construction or Reconstruction of Facilities

Construction and reconstruction of facilities or improvements on a recreation residence lot require written approval of the District Ranger either within Section II of the Operating Plan or through written correspondence. Approval of Permit Holder requests for construction or reconstruction is based upon whether the proposal meets existing standards identified in Appendix 2 (BTNF Recreation Residence Standards) and what probable effects the proposal will have on the scenic and natural resources in the vicinity of the lot.

Minor in-kind reconstruction projects (replacement of siding or roofs, painting building exteriors, etc.) are often easily authorized. Major construction projects, such as replacement of a recreation residence, are not easily authorized, requiring a higher degree of environmental

analysis, approval of designs and plans signed by licensed engineers, etc. Construction and reconstruction direction and standards are identified in Appendix 2, Section V.D.

Construction or reconstruction projects requested by the Permit Holder for each specific lot and details regarding these requests are identified in (or attached to) Section II.C of this Operating Plan.

E. Sale or Change of Ownership

Upon placing the recreation residence on the market for sale, or when a recreation residence is included in a settlement of an estate, the Permit Holder (or designated legal heir, administrator, or executor of the estate) will notify the Forest Service and request an inspection of the recreation residence site. A copy of the results of the inspection will be provided to the seller (or heir, executor, or administrator), buyer, and real estate agent(s). Items of non-compliance noted in the inspection or within this Operating Plan will be required to be corrected before a new permit will be issued to the purchaser.

In addition, a special use permit relinquishment/application form (Fs-2700-3a, Holder Initiated Revocation of Existing Authorization & Request for a Special Use Permit or Term Special Use Permit) must be completed and signed by the seller, buyer, and District Ranger before a new permit will be issued to the buyer of a recreation residence. A copy of this form is available at most Forest Service offices.

Further information regarding this topic is located in Section II of Appendix 2.

G. Compliance Inspections & Corrective Actions

Inspections of recreation residences are performed at least every 5 years by the USFS Permit Administrator to determine permittee compliance with the terms and conditions of the Special Use Permit and Operating Plan, which require that an acceptable standard of repair, cleanliness, and fire safety is maintained. Inspections will form the basis for evaluations of permittee compliance. Permittees are also encouraged to evaluate Forest Service performance (response, professional assistance, etc.). This topic is discussed in further detail in Appendix 2, Section VII.

Non-Compliance items for the specific lot identified during the most recent Forest Service field inspection are identified in Section II.D of this Operating Plan, or within written correspondence within the permit file.

SECTION II: LOT-SPECIFIC OPERATIONS & MAINTENANCE

This section of the Operating Plan is intended to address lot-specific items that are approved or required for each specific Permit Holder. It is expected that this section of the Operating Plan will be reviewed annually by the Forest Service Permit Administrator and Permit Holder and updated as needed. This section identifies the following:

- A. Approval of minor improvements not listed on the face of the permit;
- B. Special provisions authorized by a specific Permit Holder;
- C. Direction regarding conditionally accepted structures;
- D. Non-Compliance items and scheduled corrective actions required to bring conditions within Special Use Permit and Operating Plan compliance; and

- E. Construction or reconstruction projects requested by the Permit Holder and approved by the District Ranger.

A. Minor Improvements Authorized

Minor improvements are those improvements not identified on the face of the permit because they have a high probability of changing during the term of the recreation residence permit, usually at the request of the Permit Holder. Minor improvements include items such as small satellite dishes, tv antennas, driveway entry structures and gates, and other incidental improvements.

Minor Improvements authorized for the current Permit Holder of this lot
(in addition to those identified on the face of the Special Use Permit):

N/A

B. Special Provisions Required or Authorized

Special provisions are authorizations for activities or improvements not routinely authorized within recreation residence tracts. These improvements may or may not be located within the Permit Holder’s lot and may or may not be authorized if the recreation residence changes ownership.

C. Conditionally Accepted Structures by Lot

“Conditionally Accepted” structures are improvements identified on the face of the Special Use Permit which do not conform to current national policy and/or Forest standards, (see Appendix 3, BTNF Recreation Residences Standards). Examples of conditionally accepted structures include guest houses, garages, residences which exceed the maximum 1,500 square feet, and decks which exceed 800 square feet. These non-conforming structures will be managed or phased out as identified below.

Following is a list of Conditionally Accepted Items identified on the face of the Special Use Permit for this lot and management direction for each item:

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D. Non-Compliance Items & Scheduled Corrective Actions By Lot

Inspections of recreation residences are performed at least every 5 years by the USFS Permit Administrator to determine permittee compliance with the terms and conditions of the Special Use Permit and Operating Plan, which require that an acceptable standard of repair, cleanliness, and fire safety is maintained.

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E. Construction/Reconstruction Projects Requested by Permit Holder

As identified in Appendix 2 - BTNF Recreation Residence Standards, Section VIII.E, construction or reconstruction projects relating to the exterior of the recreation residence, or other improvements outside of the residence, require prior written approval of the District Ranger. Remodeling inside the recreation residence (cabinet replacement, interior painting, etc.) does not require authorization of the District Ranger.

Construction or reconstruction projects approved “in concept” by the District Ranger are included in this section of the Operating Plan. However, the Permit Holder is required to provide further detailed design and layout plans for the proposed development before the construction or reconstruction plan is fully approved by the District Ranger in written format. Plans designed by a licensed architect are required for major construction or reconstruction projects.

Projects Requested & Approved

The following construction or reconstruction projects have been requested by the Permit Holder and are approved by the District Ranger:

N/A

Projects Approved In-Concept

The following construction or reconstruction projects have been requested by the Permit Holder and have been approved in-concept by the District Ranger:

N/A

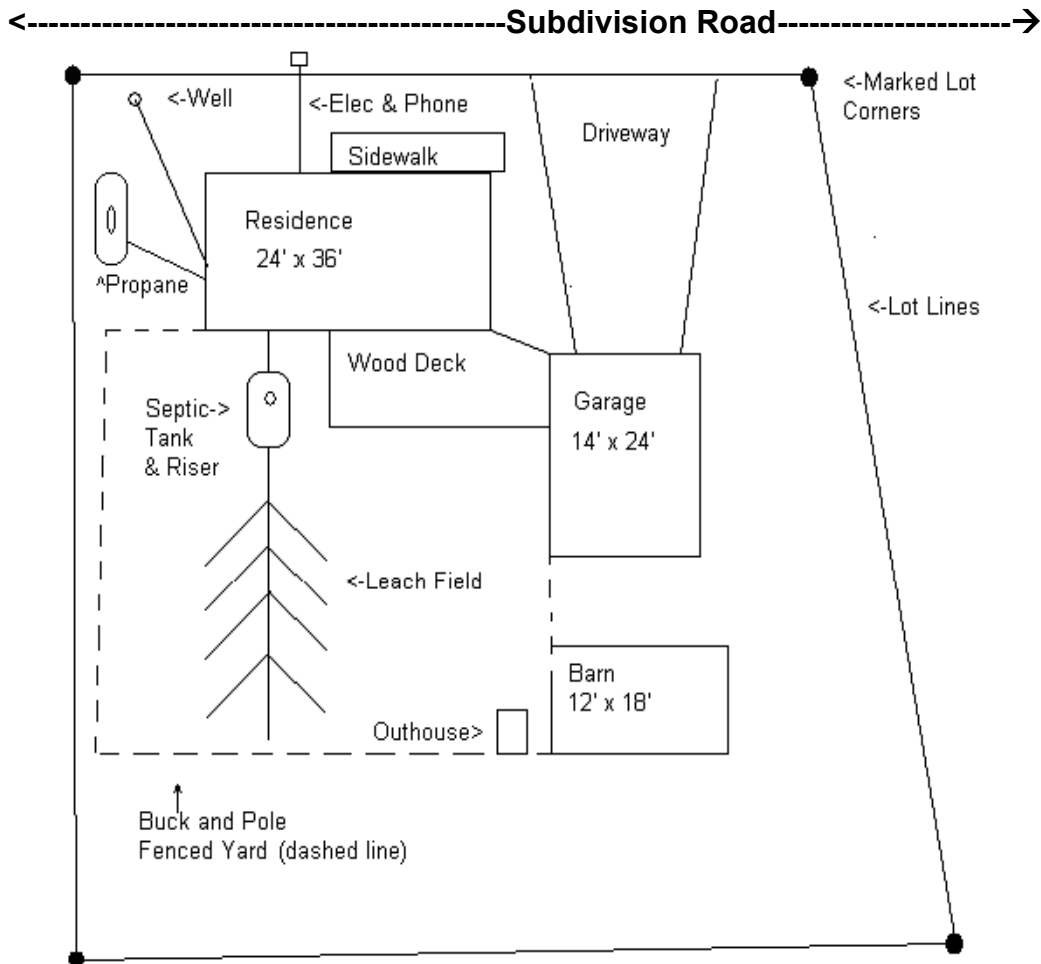
Projects Not Approved

The following construction or reconstruction projects have been requested by the Permit Holder but will not be approved for reasons specified:

N/A

Appendix 1 of Recreation Residence Operating Plan
Bridger-Teton National Forest
SITE PLAN

EXAMPLE SITE PLAN



The well is located 120 feet from the septic tank and at least 110 feet from any of the adjoining permittee's septic systems. The North lot boundary (next to the subdivision road) is 150', the east lot boundary is 230', the south boundary is 180' and the west lot boundary is 205' long. The buck and pole fenced yard is the only fencing on the lot.

CURRENT LOT PLAN

Diagram of current lot plan should include: residence, garage, decks, outbuildings, septic/holding tank, septic/drain field, outhouses, well/spring, water lines, fuel tanks, electrical lines, telephone lines, roads/driveways, fences, property boundaries, etc...
Please be as accurate as possible when you diagram shapes, sizes, scale and distances.

BRIDGER-TETON NATIONAL FOREST

RECREATION RESIDENCE STANDARDS

These standards will be updated as needed and are incorporated in Appendix 2 of the BTNF Recreation Residence Operating Plan, which is made part of the Term Special Use Permit for Recreation Residences on the Bridger-Teton National Forest.

**BRIDGER TETON NATIONAL FOREST
RECREATION RESIDENCE STANDARDS
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RECREATION RESIDENCE STANDARDS
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I. INTRODUCTION

These standards and guidelines were prepared by the Bridger-Teton National Forest to explain the framework of rules under which recreation residence special use permits are administered in this area. Most of the policies and guidelines listed below are excerpts from the recreation sections of Forest Service Manual (FSM) 2300 and 2700 and Forest Service Handbook (FSH) 2709.11. Relevant sections from these manuals and handbooks are included in Appendix A of this document. Applicable recreation residence information from the 1991 Bridger-Teton National Forest Land and Resource Plan (Forest Plan) is provided in Appendix B of this document.

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

A. Intent of Recreation Residence

Recreation residences in the National Forest were established to provide a forest recreation experience. In order to ensure that the recreation intent is maintained, it is required that the recreation residence not be used to the exclusion of a home elsewhere. A home elsewhere can be a house, apartment, mobile home, or other reasonable domicile, either owned or rented and must be open and available to the permittee at all times. A home 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.

B. Minimum & Maximum Use of Recreation Residence

There is no limit on the maximum length of stay in a recreation residence. However, the above criteria make it clear that a permittee is not allowed to utilize the residence continually for 12 months a year. The recreation residence should be utilized **at least 15 days per year** by the permittee to ensure that the privilege granted by the permit is exercised and the continued exclusive use of public land is justified.

C. Term Special Use Permit for Recreation Residence

The subject of term lengths for permits has been an area of some confusion for recreation residence owners and others over the years. All recreation residences on National Forest Lands are authorized under a Term Special Use Permit with a maximum 20-year term.

Following is a brief description of the current Recreation Residence Special Use Permit and discussion of the misunderstood "99-year-lease".

- ❖ **Term Special Use Permit for Recreation Residences - Form 2700-5a (02/07).** This 2007 permit form is currently being issued to new permittees and for re-issuance of terminated (expired) permits on National Forest lands. New recreation permits will continue to have a maximum 20-year term.
- ❖ **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 do) the mistaken impression that their permit is a 99 year lease. Actually,

there is not, and never has been, an instrument in the Forest Service known as a "99 year lease."

D. Operating Plan & Site Plan

A requirement of the special use permit is that the permittee and the Forest Service jointly prepare an operation and maintenance plan referred to as the "Operating Plan", which will be reviewed annually and updated as necessary. The Operating Plan identifies the Permit Holder (permittee), who is responsible for implementing the plan, and identifies general and lot-specific direction for operation and maintenance of each recreation residence.

Guests of the Permit Holder, hired contractors (construction workers, landscapers, tree fallers, etc.), and renters are required to follow all established standards, laws, and requirements as the Permit Holder within the recreation residence tract, including food storage and sanitation requirements. The Permit Holder is responsible for ensuring that all occupants and visitors to their recreation residence follow the terms and conditions of the Special Use Permit and Operating Plan.

A **Site Plan**, which identifies the location of all structures and improvements, including septic and water systems and utilities above and below ground, is required to be kept updated by the Permit Holder and made part of the Operating Plan. The Permit Holder must provide an updated copy of the Site Plan to the Forest Service when changes to the lot occur, when new information becomes available, or when requested by the Forest Service. If the Site Plan is not current, new permits will not be issued to purchasers of a recreation residence and authorization to construct or reconstruct improvements will not be approved

E. Objectives of Recreation Residence Standards

As discussed in the introduction in Section I, standards within this document are derived from Forest Service manuals and handbooks and Forest Plan direction. Requirements 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 on the National Forest. Standards are designed to fit local conditions, and their objectives are to:

1. Prevent urbanization of recreation residence tracts by limiting the addition of small 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/or accumulation of excessive equipment and junk around them.
4. Protect the forest environment including soil, vegetation, air and water, wildlife, and scenic integrity.
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 recreation residences, some of which may be prime examples of a style of vernacular architecture or of a traditional recreation lifestyle.
8. Maintain appropriate wildland fire defensible space around structures. Utilize materials and construction techniques of improvements that are appropriate for the wildland urban interface setting.

II. SALE OR TRANSFER OF RECREATION RESIDENCES AND ISSUANCE OF NEW SPECIAL USE PERMITS

1. General conditions requiring the issuance of new permits are:
 - (a) Transfer or sale of recreation residence and associated improvements.
 - (b) Change in Permit Holder name as the result of death, divorce, creation of a Trust, or for personal reasons.
2. The sale of a recreation residence on National Forest land involves a sale of only the structures thereon. The sale value of improvements generally depends upon how well the authorized improvements are maintained and how well these improvements meet Forest standards.
3. Authority to use the land occupied by the improvements is granted by a special use permit issued and administered by the District Ranger. This permit cannot be sold and is not transferable. It must be terminated and a new permit issued. A recreation residence special use permit grants the use of a specific lot for recreational use for a definite period of time.
4. Issuance of a new special use permit may be requested by a permittee desiring to sell his cabin. However, issuance of the new permit is not automatic. Limitations and different requirements brought about by 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. Prospective buyers and sellers of improvements should personally contact the District Recreation Officer 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.
5. The District Recreation Officer should be informed of contemplated sales involving the recreation residence. The seller and buyer must execute the combined relinquishment/application form. 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 or other proof of ownership must be submitted. A copy of the Forest Service Special use permit relinquishment/application form (FS-2700-3a, "Holder-Initiated Revocation of Existing Authorization & Request for Special Use Permit or Term Special Use Permit") is available at most Forest Service offices.
6. Upon receipt of the completed relinquishment and application form, the District office 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 completion 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. Correction items needing attention are generally documented either within the current Operating Plan or through written correspondence in the permit file.

7. Sales of improvements that are part of an estate require submission of evidence that the person signing the relinquishment is either the legal heir, administrator, or executor of the estate.
8. Permits are issued in the name of one individual or to a married couple, or to a Trust. Existing permits that were not issued to an individual or married couple will be revised at the first opportunity so that the responsible individual is identified.
9. No more than one recreation residence will be issued to a single family (husband, wife, dependent children per FSM 2721.23a).
10. The new permittee must contact the District Recreation Officer to review 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 a new permit issued to the person showing legal right of possession. The permit is a privilege granted to the Permit Holder. The seller cannot assure the buyer that the privilege of occupying National Forest land will be continued.
12. Use of National Forest land for facilities such as roads and pipelines requires additional permits.
13. Permits may be issued to a Trust when the required paperwork is submitted by the permittee and approved by the Office of General Council (OGC), which is the legal council for the Forest Service. This approval process requires a minimum of three months to process from the time the papers are provided to the District Permit Administrator.

III. DESTRUCTION, ABANDONMENT, TERMINATION, AND FUTURE USE

The Bridger-Teton National Forest manages recreation residences in accordance with Forest Service Manual and 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 resources.

A. Destruction of Improvements

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

1. The permittee may rebuild a residence on the lot if the District Ranger determines that the site can be safely occupied and that re-building will be allowed. Plans must be approved

by the Forest Service, the County, and others (where appropriate). The building must be completed within 2 years and is limited to a maximum of 1,500 square feet.

2. 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 request. The permittee will be responsible for removal of the improvements and restoration of the site.
3. 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 outlining work to be completed and a corresponding time schedule.

In no case will "Conditionally accepted" structures (guest houses, garages, etc. as identified on the face of the permit) be allowed to be rebuilt.

B. Abandonment of Improvements

Upon abandonment 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 6-month time limit will normally be given, subject to weather conditions.

C. Termination / Future Uses

1. All residences within tracts will be on common termination dates.
2. 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.
3. 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."
4. 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. Permittees are encouraged to check with their District Ranger 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 permittees informed of changes that might affect them.
5. It is Forest Service policy to provide permittees at least 10 years advance written notice if the use is to be terminated for some other use. Exceptions: (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.

IV. USE OF THE PERMITTED AREA

A. Public Access

The public has the right to cross land under special-use authorization if necessary for access to adjacent areas on the National Forest. 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.

The Forest Service in partnership with the permittees, will work to define and separate public and tract space by delineating public access routes to beach areas, fishing access, etc. This may be done, for example, by developing public parking and boat docks, open type (split rail) fences, trails signed for public use, and public benches. Consideration will be given to protection of sensitive plants, animals, and archaeological areas.

B. Recreational Motor Homes, Trailers, Campers & Tents

The use of RVs and/or tents for season-long guest rooms or for additional living space is not authorized. Pickup campers, vacation trailers, tent trailers, and motor homes may not be stored on a recreation lot. It is recognized that visits by friends driving such vehicles are common and that some permittees may drive such vehicles while using their 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.

C. Sublease/Rental of Recreation Residence

Sublease and rental are considered synonymous. Subleasing of the site and improvements will be for recreational use. Subleasing 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 permittee's personal use and will normally be of a short duration. As a guide, "short duration" is 2 weeks, although periods of up to 30 days may be authorized. The intent is to allow utilization of National Forest System lands.

Requests for subleasing/rental requires advance approval of the District Ranger. Forms for requesting authorization for subleasing/rental are available at most Forest Service offices. Approval of subleasing/rental and reasons for this allowance will be documented in the permit folder. Keep in mind, however, that the Forest Service is not obligated to allow permittees full recovery for costs of owning a recreation residence by subleasing.

D. Commercial Use of Recreation Residence

The recreation residence is used for personal recreation only. It cannot be used commercially in any way. 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, guests, or renters. 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 and repair services, and snowmobile rental.

V. AUTHORIZED IMPROVEMENTS

A. Objective of Recreation Residence Tract

The primary 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. This does not mean that the forest cover must be so dense that it creates a fire hazard for the residence tract. The BTNF has been working with recreation residence owners to create and maintain "defensible space" around permitted structures by reducing receptive fuels while retaining the

forested character of the area. Defensible space guidelines are discussed in detail in Section VI.E.

B. Definition of Authorized Improvements

Authorized improvements are defined as constructed features authorized on the Recreation Residence lot such as structures or facilities. Only those improvements named on the face of the permit or in the approved Operating Plan are authorized. The objective is to have only one dwelling (recreation residence) per lot. Existing structures that do not meet national or Forest standards (garages, guest houses, gazebos, etc.) will be phased out as discussed in Section V.D – Conditionally Accepted Structures. Ancillary facilities such as pump houses, storage sheds, and outhouses (subject to Forest Service, state, and county approval) may be authorized when they cannot be logically incorporated into the main residence. Separate structures such as these are not included in the maximum 1,500 square feet total living space standards identified in Section VI.A.2.

C. Lot Lines, Setbacks, and Off-Lot Improvements

When improvements are proposed it will be the responsibility of the permittee and Forest Service to locate the approximate lot corners in order to comply with setback requirements. Corners will be monumented with metal pipe to approved Forest Service standards. **The mandatory setback is 10 feet from the property line for all structures and improvements.** Existing main residences encroaching on lot line and/or setback line may remain until it is reasonable to move, (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.

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

D. Conditionally Accepted Structures

“Conditionally accepted” structures (i.e. guest houses, sleeping quarters, garages, residences in excess of 1,500 square feet, etc.) are identified on the face of the Permit. These structures do not conform to current national policy and/or Forest standards and will be managed or phased out as identified in the approved Operating Plan. Opportunities that may allow removal of conditionally accepted structures include: (1) a change in ownership, (2) expiration of the permit, (3) a request for new construction, and (4) destruction of the conditional structure.

Construction or reconstruction of conditionally accepted structures such as guest houses and detached garages with or without sleeping facilities will not be authorized under any circumstances. Existing dwellings in excess of 1,500 square feet (and/or 2-story when required to be 1-story) and decks/patios in excess of 800 square feet may be replaced with dwellings and decks that meet the minimum square foot requirements described above. Existing attached garages may be authorized on a case by case basis in the approved Operating Plan.

E. Construction or Reconstruction Approval Process

Construction and reconstruction of facilities or improvements on a recreation residence lot require written approval of the District Ranger either within Section II of the Operating Plan or through written correspondence. New construction, alteration, addition, or substantial repair of existing improvements will be authorized only when it does not exceed the maximum size standard set in the Forest Plan (1500 square feet for dwelling and 800 square feet for decks & patios) and is compatible with the forest environment. Comments from affected neighbors will be requested along with project proposal plans for additions to cabins.

Minor in-kind reconstruction projects are often easily authorized through written correspondence. Major construction projects, such as replacement of a recreation residence, are not easily authorized, requiring a higher degree of environmental analysis, approval of designs and plans signed by licensed engineers, etc.

Process for Requesting Approval for Construction or Reconstruction of Structures:

1. The permittee will review the Recreation Residence Improvement Standards identified in Section VI of this document to determine if the proposed project meets these standards. The permittee will also review and update the current Site Plan for the lot. If the proposed project does not meet these standards and/or improve resource conditions, the project will not be moved forward through the approval process.
2. If the proposed project appears to meet identified standards, or if the permittee has questions regarding whether the proposal meets these standards, the permittee will contact the District Permit Administrator, who will review the proposal with the permittee. If the proposal meets identified standards and does not pose obvious impacts to forest resources (air & water quality, scenic quality, wildlife & fisheries, etc.), the Permit Administrator will recommend that the proposal be submitted to the District Ranger for review and direction.
3. If the District Ranger recommends that the proposal be considered, the permittee submits a written proposal to the District Permit Administrator, who reviews and forwards the request to the District Ranger. Minor improvement proposals (replacing siding on a recreation residence or outbuilding, in-kind replacement of an outbuilding, repainting buildings, replacement of roof, etc.) can be informally submitted via email, postal service, or by hand delivery to the District office. Major improvements (replacement of the recreation residence, replacement of septic system, etc.) require submittal of a formal letter of request.
4. For minor projects, the permittee is required to submit adequate information (paint color or siding samples, roof color and material, etc.) necessary for the Permit Administrator to recommend to the District Ranger for approval. Minor in-kind proposals may be approved by the District Ranger through email or other form of written correspondence.
5. For major project proposals, more specific information is required such as conceptual design and layout plans for proposed development or change.. Conceptual plans must be detailed enough to allow preparation of an analysis. A copy of a current Site Plan and design plan will be required for major improvements. The location of planned and existing structures, lot boundary, roads, trees, and landscape features will be identified in the design plan as accurately as possible. The size of the proposed structures should also be indicated. If the project proposal requires extensive environmental analysis, the proponent will be expected to fund this analysis as required according to the Cost Recovery Rule. The District Ranger ultimately determines if a major project proposal will be officially accepted for consideration and when, or if, environmental analysis for a major project request will be initiated.
6. After completion of the appropriate level of environmental analysis and receipt of the Ranger's approval, in-concept, of the proposal, the permittee will be directed to submit engineer-stamped construction plans to the county building department for approval. Plans must be designed or approved by a licensed architect or structural engineer. After the District Ranger receives written notification of county approval, construction may proceed. Some counties don't inspect building plans or require a permit. In this case, it is

up to the permittee to assure construction meets minimum standards as set forth in the current Uniform Building Code. The permittee must also obtain required permits from other agencies (septic approval, etc.) and provide documentation of this to the Forest Service before the project can be approved. The Forest Service will approve only the conceptual design and layout of construction plans.

7. Approval for new construction and alterations is given for the upcoming year only. If work has not commenced within one year, 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.
8. **Improvements over 50 years old** require additional historic analysis and approval prior to authorization for removal or reconstruction.
9. **Ground disturbing activities** (septic replacement, foundation replacement, utilities placement, etc.) require advance written authorization from the District Ranger and applicable utility company(s) to protect historic resources, sensitive natural resources, and existing utilities. Substantial ground disturbing activities will require noxious and invasive weed prevention, monitoring, and treatment by the Permit Holder, as well as soil erosion prevention actions as specified by the District Ranger.

VI. IMPROVEMENT STANDARDS

A. Recreation Residence Standards

1. **Appearance of Recreation Residence Structures:** 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 side parallel to natural slopes. Unusual forms may be appropriate if handled tastefully. This ordinarily will require the services of a highly skilled designer.
2. **Maximum Size of Recreation Residence:** In all instances, the interior living space is limited to 1,500 square feet, in accordance with the Forest Plan standard. This includes lofts, but not exterior decks, porches, or authorized garages, which may not be utilized as living or sleeping quarters.
3. **Maximum Height of Recreation Residence, Including Loft:** A recreation residence building may not be constructed higher than one story and a loft if on level ground. In cases where excavation is allowed into a slope, recreation residences will be limited to two stories and a loft (in this case the "daylight" basement living area is considered the first story). In some cases where visual quality objectives are of critical concern, a loft or second story may not be authorized by the District Ranger. Total height will conform to county ordinance and will not exceed 20 feet.

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.

- ❖ 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).
4. **Single Family Residence:** No more than one single family recreation 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). Guest houses and other sleeping quarters will not be authorized.
 5. **Modular vs. Mobile Homes:** **Mobile homes** are not permitted. Modular structures may be approved on a case-by-case basis if materials used, size, siding, color, window size and shape, etc. are similar to typical rustic cabins.

B. Structure Design, Material & Color Guidelines

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 to ensure that recreation residences and associated structures blend with the natural environment. To achieve this standard, the following guidelines have been developed relating to this standard:

1. **Modern building materials** such as structural steel, concrete, and glass in well designed combination with wood or stone are acceptable. Buildings constructed entirely of metal are usually not acceptable. Refer to the Built Environment Image Guide and the historic context of cabins on the Forest for guidance on the desired appearance and character of buildings.
2. **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."
3. **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. The following roof coverings in natural colors (brown, tan, or green) are acceptable:
 - (a) Color-impregnated metal roofing with a non-reflective finish is the Forest Service preferred roof material.
 - (b) Wooden shake and shingles are not recommended in forest settings due to increased fire hazard. Existing wooden shake and shingle roofs will be allowed to remain but will eventually be replaced with Forest Service approved fire-resistant material when (1) the permit holder desires to replace the roof or (2) the roof is in unacceptable condition and requires replacement.
 - (c) Composition shingles and other flexible materials are allowed. Composition roofing such as "3-D shingles" look very much like natural wood.
5. **Materials for Exterior Walls & Decks/Porches:** Acceptable materials for exterior walls and porches are as follows:
 - (a) Textured exterior plywood if stained or painted, wooden or manufactured vertical or horizontal siding, peeled logs, native stone, or manufactured logs or decking. Combinations of these materials are often more acceptable than a single material.

(b) Small concrete blocks, lightweight aggregate blocks, split face block, and similar materials in muted tan, grey, green, and char coal are acceptable in appropriate combination with wood. The use of bright colored mortar or stucco, corrugated iron or tar paper will not be approved.

6. **Exterior Colors: The exterior of improvements must be harmonious with the forest setting.** Semi-transparent stains which allow the 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 of the year will achieve the desired harmony. Examples of such colors include brown, grey-green, and tan. Avoid red, bright green and brown with a large component of red in it. Non-reflecting matte finishes are more harmonious with the natural texture of the surrounding forest than are bright, shiny surfaces.
7. **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, red, or yellow are not acceptable. Aluminum window and door sashes must be dark in color, such as bronze anodized finish. Bare aluminum will not be permitted.
8. **Foundations:** Continuous foundations of approved materials are required. Exposed foundations shall extend above the ground only as far as necessary to conform to standard quality construction practices. Solid masonry chimneys must extend to a solid ground foundation with adequate footing. Free-standing fireplaces of an approved design may be authorized.

C. Standards for Miscellaneous Structures and Features

1. **Miscellaneous approved structures and facilities** are required to be maintained in good operational condition and should generally match the recreation residence building in design, materials, and color.
2. **Combined decks, patios, steps and ramps will not exceed 800 square feet and must be attached to the residence.** Decks on only one side of the residence are preferred. Deck and patio locations must be approved by the Forest Service and must be within the setback line (see Section V.B.). If the area under a deck is used for storage it must be fully enclosed with skirting of a pre-approved construction material and color. Lattice is not recommended for skirting due to fire hazard.

Screened Decks - Many permittees enjoy sleeping out of doors on decks during the summer months. As a result, some permittees have put up screens around the deck. The use and construction of such screens requires written authorization. In order to meet standards, they must be temporary in nature and not shabby in appearance. Colored canvas and plastic tend to give the area a ramshackle appearance. Use of this type of material will not be authorized. (Refer to USDA Forest Service Built Environment Image Guide for architectural guidelines).

3. **Appurtenances** (assorted attachments) may be approved on a case-by-case basis in the Operating Plan if they do not detract from the forest setting. Examples:
 - ❖ **Satellite dishes/antennas** - normally will be approved on a case-by-case basis.
 - ❖ **Solar panels** - may be approved if constructed of a non-reflective color harmonious with the forest setting.
 - ❖ **Hot tubs** - may be approved if incorporated into the main structure or deck and if not visible by neighbors or from public vantage points.
4. **Septic Systems** must be fully functional and meet DEQ and County specifications. In some situations, outhouses may be approved in the Permit or Operating Plan. Where outhouses are approved, sealed vaults or chemical toilets are preferred to pit toilets. Outhouses of any type must be approved by the Forest Service. All septic systems must be adequately maintained and routinely inspected by the Permit Holder to ensure proper function to prevent resource impacts. Pit toilets will not be approved within 100 feet of lakes, ponds or streams or where deemed inappropriate for resource protection reasons.
5. **Drinking Water Systems** (well, pump house, water lines, holding tank, etc.) must be operated according to State requirements. The owner of the recreation residence, (or an association of owners if applicable), is responsible for testing drinking water and assuring its purity. It is recommended that water supplies be tested according to State requirements. If a new water source is proposed to be developed or an existing water source is proposed to be reconstructed, the owner(s) of the recreation residence must obtain pre-approval from the Forest Service as well as necessary permits from the State or county. Water Rights will be obtained by the Forest Service in the name of the U.S. Government. The permit holder will be responsible for paying the State water right application fees.
6. **Winter access** to recreation residence tracts must comply with current travel management direction. Snowmobiling to access tracts is generally accepted if allowed within current travel management plans, but snow coaches and snow cats are not allowed. **Snowplowing** within, or to access recreation residences is not allowed unless specifically authorized in Section II of the Operating Plan or through other written authorization from the District Ranger. The Forest Service is not responsible for plowing snow on access roads into recreation residences.
7. **Fences and gates** may be authorized to restrict public vehicular travel only under extenuating circumstances, such as when needed to separate public parking areas or trailheads from recreation residences, to prevent vandalism, or to meet other resource needs; and when they can be constructed within acceptable visual management constraints. Existing fences and gates not meeting these exceptions will be required to be removed or phased out, as identified in the Operating Plan.

Following is a list of general standards for fences and gates for tracts, individual lots, or groups of lots within a tract:

- ❖ Fences and gates tract must be specifically approved in the Operating Plan. This includes unlocked chain gates, which may be authorized to be placed at driveway entrances to lots to discourage public access by vehicle.
- ❖ Authorized fences and gates will be of approved Forest Service design and have a sign with wording to allow non-motorized public access to National Forest lands behind the gate through and beyond the tract.
- ❖ Access to all recreation residences is necessary in case of emergency response, such as firefighting. For this reason, all gates authorized to be locked are required to have a Forest Service lock in addition to the locks of any other users of the gate.
- ❖ Maintenance of these fences and gates is the responsibility of the Permit Holder. In case of a fence or gate serving a tract, the homeowner's association will be responsible for maintenance. In case of fences or gates serving a group of lots within a tract, one Permit Holder will be identified in the Operating Plan as responsible for maintenance of the structure(s).

8. Tract Maintained Roads and Bridges:

Roads and associated structures within tracts that are not maintained by county, state, or other agency, or do not serve a public or other resource need, will be placed under permit to the Homeowners' Association or to individual lot owners within the tract. These roads and associated structures will be maintained to Forest Service standards, which will be defined in the permit or Operating Plan. 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 road and bridge maintenance responsibility:

- (a) Does the road/bridge serve activities other than the recreation residence(s)?
- (b) Is this resource/activity operated by the Forest Service?
- (c) Would the road/bridge exist if not for the recreation residence(s)? ---Is there a potential Forest Service need for the road/bridge?
- (d) If the answer to all questions is yes, then the Forest Service should maintain the road/bridge.

If the answer to all questions is no, then the recreation residence owner(s) or Homeowner's 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. Individual Lot - Maintained Roads & Driveways serving individual lots or groups of lots will consist of native surfacing or gravel and are the responsibility of the affected permittee(s) to maintain. Sources of gravel must be pre-approved by the District Ranger to avoid introduction of invasive weeds.

10. Boat Docks: Shared docks for an entire residential tract, rather than individual docks, will be favored. If separate docks are approved for individual lots within a tract, such

docks will be of similar design and materials to present a common theme and address visual concerns along lakeshores. It is the permittee's responsibility to ensure that design, construction, and maintenance of boat docks meet safety standards. The Forest Service must pre-approve any dock before it is reconstructed. .

D. General Lot Standards

1. Recreation Residence Lot conditions must be neat and orderly.

- (a) Accumulation of debris or clutter and storage of equipment** (RVs, boats, travel trailers, ATVs, snowmobiles, etc.) is not allowed.
- (b) Storage underneath a cabin or deck is allowed** if an approved skirting is placed over the openings to screen stored items and prevent debris from accumulating under the structure. **No flammable items** (fuel, firewood, equipment with fuel tanks, etc.) or other unsafe items are authorized to be stored underneath structures. Miscellaneous items may not be stored underneath a cabin if no skirting is provided to screen these items.
- (c) Construction materials** will be allowed to be stored on the lot only while a construction project has been approved; will be kept to a minimum during the project; will be stored in an orderly manner; and will be removed from the site as soon as the project is completed, or as otherwise directed by the Forest Service Permit Administrator.

2. Miscellaneous improvements must be approved and maintained in good, operating condition or be removed from the lot.

- (a) Recreation equipment** (swing sets, slides, play houses, basketball hoops, etc.) are not in keeping with the natural setting and are not allowed within recreation residence tracts.
- (b) Swing seats** - may be approved if made of natural material that blends well with setting and does not damage trees. Recreational equipment such as swing sets, slides, play houses, basket ball hoops, etc. will not be authorized.

3. Proper storage of food and attractants is required within recreation residence tracts on the Forest to minimize the potential for humans to come in contact with, or lead to human habituation of grizzly bears and/or black bears. The Permit Holder will ensure that all attractants (including food items, trash, pet food, livestock feed, game carcasses, BBQs and fire grills) are properly stored, as identified by the Forest Service.

Proper bear-resistant storage methods for attractants include the following:

- ❖ storage within a fully secured building;
- ❖ storage within a fully enclosed vehicle (or horse trailer without openings that would allow a bear to climb into the trailer);
- ❖ storage within a Forest Service approved bear-resistant food storage container;
- ❖ hanging an attractant (such as a game carcass) a minimum of 10 feet from the ground and 4 feet from tree trunks.

- (a) Bar-B-Q's (BBQ's) and grills** serve as attractants for bears and are therefore allowed outside only while being utilized, including cool-down time. BBQ's and grills will be stored by one of the above approved methods when not in immediate use. Permanently constructed BBQs and grills will be phased out, as identified in Section

- 2 of the Operating Plan. Portable BBQs must be properly stored within bear-resistant structures (enclosed buildings such as approved sheds) when not in immediate use. With the availability and safety of small, portable grills and propane units, it is not necessary to have permanent BBQs.
- (b) **Hummingbird feeders and any type of birdfeeders** are not allowed on recreation residence lots.
- (c) **Trash** must be stored in Forest Service approved dumpsters or containers, or stored within a vehicle or constructed building deemed bear resistant by the Forest Service.
4. **Campfires & Outdoor Fire Rings**– Temporary campfire rings may be allowed if properly attended and safely located away from overhanging tree limbs and ground vegetation. All campfires are prohibited when Forest Service Fire Closure Orders are initiated due to extreme fire danger. Temporary fire pits may not be built into natural features (ie: against rocks). Existing permanent outdoor fire rings will be phased out, as identified in Section II of the Operating Plan.
5. **Signing:** Indiscriminate signing will not be permitted. All signs must be of a rustic nature and must be approved in advance by the District Ranger. One entry sign per lot is generally allowed. At the minimum, the designated address number will be posted at the entrance to each lot, for EMS and Firefighter identification. The owner's name and designated address may be shown on a rustic, routed wooden sign. Maximum size of the sign is 18 x 8 inches. Accepted lettering will be black, white, or earth tones, 2 to 4 inches in height. Signs may not be nailed or wired to trees. Painting signs or numbers on natural features will not be permitted and "Private Property" or "No Trespassing" signs are not allowed. Signs must be approved in the Operating Plan.
6. **Landscaping:** Landscaping is authorized only to restore natural conditions. Following are standards which apply to landscaping of recreation residence lots:
- ❖ Urban-like flower beds, non-native plants, and lawn ornaments (such as pink flamingoes) are not in keeping with the natural setting and are therefore not authorized.
 - ❖ Lawns are normally not authorized unless extenuating circumstances exist, such as when a cabin is located near a shoreline or stream bank, where lawns are necessary to prevent soil erosion and contaminants from entering lakes or streams. Lawns must be specifically approved in the Operating Plan and may be scheduled to be phased out if they do not meet this criteria. If lawns are approved, fertilizers may not be utilized within a minimum of 100 feet of streams, lakes, or ponds.
 - ❖ Native plant species (aspen, sage, lodgepole pine or Douglas fir trees, service berry and other native trees and brush) may be planted on the lot with written authorization from the District Ranger. Such landscaping will normally be authorized only to restore natural conditions following construction or reconstruction projects or loss of a substantial number of trees due to bark beetles, fire, or other natural occurrences.
 - ❖ Walks should be gravel or native materials.
 - ❖ Removal of vegetation solely to improve views and visibility will not be approved.

7. **Hazard Trees:** Clause IV.G of the Recreation Residence Special Use Permit states “*the holder has the responsibility of inspecting the site, authorized rights-of-way, and*

adjoining areas for dangerous trees, hanging limbs, and other evidence of hazardous conditions which could affect the improvements and or pose a risk of injury to individuals. After securing permission from the authorized officer, the holder shall remove such hazards.

Definition of Hazard Tree: 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 areas of use. Trees which cause structural damage to an improvement (such as root growth causing a foundation to crack) can be considered hazard trees as well.

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 removal of trees that are hazardous to their improvements. Under no circumstances will the Forest Service contract for any tree removal that is the responsibility of the permittee.

Bark Beetles & Hazard Trees: The outbreak of Mountain Pine Beetle and other insects and tree related diseases on the Forest has resulted in a dramatic increase in dead or dying trees. For this reason, the permittee is authorized to remove hazard trees without pre-approval from the Forest Service if the tree is within striking distance of buildings or areas of high use and when any of the following criteria are met:

- ❖ The tree is dead.
- ❖ The tree is obviously dying (evergreen tree with brown needles over 1/3 or more of its entirety).
- ❖ The tree contains dead top(s).
- ❖ The tree is hollow or significantly damaged.
- ❖ The tree is leaning significantly over a structure or use area.

Trees of concern that do not meet the above criteria require Forest Service pre-approval.

Disposal of Hazard Trees: In the event that hazard trees within the boundaries of the recreation residence lot that meet the above criteria are cut down, the firewood may be used free of charge if the volume is (1) less than two cords and (2) the cut wood remains on the lot. Material in quantities greater than two cords and/or material in any amount that will be removed from the lot will require purchase of a standard personal firewood permit at the regular firewood rate. If a permittee hires a contractor to cut Forest Service approved hazard trees, the contractor must also obtain a firewood permit to remove wood from the lot.

Bark beetle and tree disease prevention and treatment actions may be completed by the Permit Holder when such actions have been recommended and approved by the Forest Service.

8. **Attachments and/or nails, screws, lag bolts, wires, or ropes** are not allowed in trees, live or dead. Such attachments include, but are not limited to: signs, gates, yard lights, power lines, fences, gates, benches, clotheslines, bird houses, corrals, hammocks, and game hangers. Game hangers may be temporarily roped to trees while in use but must be removed when no longer needed for the game hunting season.

- 9. Noxious & Invasive Weeds:** Noxious and invasive weeds are easily introduced onto a recreation residence lot or tract, particularly when there is substantial ground disturbing activity, such as septic and leach field construction, driveway construction, and cabin replacement. Introduction of these weeds is also common following placement of gravel on driveways when the gravel source is not weed-free. Noxious and invasive weeds are also commonly introduced from vehicle wheels and equipment tracks. Over-the-counter flower seed packets and bird seed can also carry noxious and non-native weed seeds. Once established, these weeds are highly successful in multiplying rapidly and overcoming native vegetation, which affects wildlife forage and scenic integrity.

Introduction of these weeds can be prevented by washing vehicles and equipment prior to driving them onto the National Forest, by ensuring that hay and gravel sources are certified as weed-free, and by not planting seeds from “wild flower” seed packets or providing bird seed feeders on the Forest.

The Permit Holder is responsible for prevention and treatment of noxious and invasive weeds within the lot. These weeds are usually detected by annual inspection completed by the Permit Holder or Forest Service personnel. If the Permit Holder suspects that noxious or invasive weeds are located on the lot, the Forest Service will be contacted as soon as possible. Upon confirmation of noxious or invasive weeds, the Permit Holder is responsible for completing the required treatment to eradicate or stop the spread of these weeds, as directed by the Forest Service in coordination with the local County Weed & Pest office.

- 10. Yard Lighting:** Yard lights needed for safety while residences are occupied should be mounted on buildings or on free-standing posts and provided with shades to prevent light pollution of surrounding forest areas. Power lines to lights and between buildings will be buried.

- 11. Recreational Stock:** Although recreational livestock are not normally allowed within Recreation Residence Tracts, recreational stock (horses, mules, burros) may be authorized by the District Ranger in the Operating Plan within remote tracts in lots where such stock has historically been allowed. The District Ranger may discontinue the authorization for recreational livestock within a recreation residence lot or tract if unacceptable resource or social impacts result from this authorization.

The following standards apply to recreation stock authorized within recreation residence tracts:

- (a) **Hay must be certified weed-free anywhere on the Forest**, including within a recreation residence tract. Proof of certification of weed-free hay must be made available to Forest Officers upon request. Hay must be kept to a minimum amount sufficient to provide temporary feed only. Livestock feed which poses as an attractant to bears (sweet feeds, grain, molasses flavored cubes, etc.) must be properly stored as identified in item D.3.
- (b) **Manure will be managed to prevent impact** to resources or other recreation residence occupants. Manure may be spread at a designated site on the Forest only if approved by the District Ranger. Otherwise, manure must be removed and properly disposed of off the Forest at least annually or more often if needed. The District Ranger may establish limits to the amount of time and/or number of recreational

stock allowed to be retained within a recreation residence tract if significant manure buildup or other concerns are present.

- (c) **Recreational livestock will not be allowed to roam freely** within the recreation residence tract for any reason, hobbled or otherwise, to prevent or minimize impacts to other lots within the tract.
- (d) **Holding corrals or other stock facilities** may be approved by the District Ranger where they have been historically authorized. Facility type, size, material, etc. must be identified within Section II of the Operating Plan.

12. **Salt blocks are not allowed on the Forest for the purpose of attracting game.** Salt blocks are authorized only for Permit Holders who have been authorized to maintain recreation stock on the lot. In this case, salt, if provided, must be placed in leach-proof containers and removed when stock are not located on the lot.

E. Fuels Management and Defensible Space Guidelines

Proper vegetation management, structure design and layout are critical to ensure adequate wildland fire “defensible space.” Defensible space reduces wildfire threat to structures by changing the characteristics of the adjacent vegetation and providing adequate distance between the burning vegetation and structures. In addition, defensible space increases the ability of firefighters to safely enter the area and defend structures.

Local Forest Service fire prevention personnel are available each season to visit each home site and recommend specific fire mitigation measures. Fire personnel will also often accompany the permit administrator during site inspections.

Specific mitigation measure will be mutually agreed upon between the Forest Service and permittees. Permittees are responsible for actually performing the fuels management within the lot.

Following is a list of guidelines for improving defensible space annually within recreation residence lots:

Vegetation Management Guidelines

1. Proper removal of hazard trees is discussed in section E-7.
2. Remove excess down woody debris (tree trunks and limbs, bushes, and other flammable debris) throughout the entire lot, particularly within 30 feet of structures.
3. Firewood should not be stacked directly next to, or within 20 feet of, structures.
4. Trim dead grass within 10 feet of structures.
5. Allow green grass, green brush, wildflowers, and aspen trees to remain within 30 feet of the home and within the remainder of the lot.
6. Limb evergreen trees 5-7 feet from the ground within 30 feet of the home to reduce ladder fuels. Limbs should be removed at least 1/4 inch away from the trunk of the tree for best protection of the tree. Limbing of aspen trees is not necessary because aspen do not serve as ladder fuels.
7. Remove evergreen tree branches within 10 feet of chimneys and exposed stove pipes.

8. Trees posing a hazard to power lines will be removed either by the Permit Holder or local power company. Young trees located immediately adjacent to structures or under power lines should be removed early on to avoid more costly removal as they grow larger.
9. **Slash** (tree limbs, logs, stumps) must be disposed of as identified by the District Permit Administrator. Slash pile sites may be identified by the Forest Service within or near a recreation residence tract but will not normally be authorized on an occupied recreation residence lot.
10. If the Permit Holder or Forest Service has unique concerns regarding vegetative health or defensible space within or adjacent to a recreation lot, further direction will be provided on a case-by-case basis. The Forest Service may also conduct **fuel reduction projects** adjacent to recreation residence tracts or within common areas within the tract. The Permit Holder will be notified in advance of significant fuel reduction projects scheduled within or adjacent to a recreation residence tract.

Utilities, Propane Tanks, & Flammable Materials

1. **Electric and telephone service** must meet standards for safety and proper installation. Electrical wiring installation must conform to the code adopted by the local county. All new utility lines will be placed underground unless physical or resource conditions are prohibitive. Note: All ground disturbing activities require pre-approval of the District Ranger to address and/or prevent disturbance of potential cultural resources (historic artifacts, etc.).
2. **Flammable fuels** (gasoline, oil, diesel fuel, propane) must be stored in small quantities (<50 gallons), within legal portable fuel containers designed for that purpose, and safely stored within approved storage buildings. No flammable fuels may be stored underneath buildings or decks.
3. **Permanent fuel tanks** for gasoline, diesel fuel, heating oil, etc., are not allowed within recreation residence tracts (except for propane tanks).
4. **Propane tanks** must be located a minimum of 20 feet away from the recreation residence and no firewood or other flammables may be stored within 10 feet of propane tanks.

Roofs, Decks, Chimneys, Stoves & Campfires

1. Roofs should be constructed of fire-resistant material. Non-reflective metal roofs of a natural color are preferred. Composition tile and wood shingles are currently allowed but must eventually be replaced with fire-resistant material pre-approved by the Forest Service.
2. **Roofs and gutters** should be inspected annually and kept free of heavy accumulation of limbs, needles, leaves, etc.
3. Areas underneath decks and homes are highly susceptible to fire if they are not enclosed with appropriate skirting material. All decks and structures not already enclosed require Forest Service approved skirting. (Note: Lattice is not considered an acceptable skirting material as it does not prevent sparks from entering beneath a structure).
4. All chimneys and wood stoves must be installed and maintained in accordance with federal, state, and county ordinances and regulations, including spark arresters and screens.
5. Temporary fire rings may be allowed if properly attended and safely located away from overhanging tree limbs and ground vegetation. All campfires are prohibited when Forest Service Fire Closure Orders are initiated due to extreme fire danger.

VII. INSPECTIONS & COMPLIANCE EVALUATIONS

The recreation residence 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 is maintained. Inspections will form the basis for evaluations of permittee compliance. Permittees are also encouraged to evaluate Forest Service performance (response, professional assistance, etc.).

If non-compliance items are identified by the Forest Service inspector, the item of non-compliance, needed actions to remedy the non-compliance item, and timeline for correction will be provided to the Permit Holder as soon as possible after the inspection has been completed. If the Permit Holder disagrees or has questions about specific items, the Permit Holder must contact the Forest Service in order that the disagreement or item may be resolved.

Significant or continuous non-compliance with the terms and conditions of the Special Use Permit can result in revocation or termination of the permit and required removal of the recreation residence and improvements. Non-compliance items that involve significant health or safety concerns are cause for immediate suspension of the permit until such items are corrected. New permits will not be issued to purchasers of a recreation residence if non-compliance items are not corrected. (See Operating Plan, Section I.G - Compliance Inspections & Corrective Actions).

APPENDIX A

EXCERPTS FROM FOREST SERVICE MANUALS & HANDBOOKS

FSM 2300 – Recreation, Wilderness, and Related Resource Management (04/03/2006)

FSM 2347.1 (04/03/2006)

Recreation residences are a valid use of National Forest System lands. They provide a unique recreation experience to a large number of owners of recreation residences, their families, and guests. To the maximum extent practicable, the recreation residence program shall be managed to preserve the opportunity it provides for individual and family-oriented recreation. It is Forest Service direction to continue recreation residence use and to work in partnership with holders of these permits to maximize the recreational benefits of recreation residences.

1. Administer recreation residence special use permits to ensure proper use of the lot for family and guest recreational purposes (FSM 2347.11).
2. Do not approve any new authorizations for full-time residences, except in special situations to provide caretaker or other similar services where there is a strongly demonstrated need (FSM 2347.12). Do not approve in-lieu lots for full-time residential use.
3. Issue recreation residence term permits for a maximum of 20 years in accordance with procedures in FSM 2721.23e and FSH 2709.11, section 41.23.
4. Give holders at least 10 years written advance notice if a new permit will not be issued following expiration of the existing permit term (FSM 2721.23a).
5. Revoke a recreation residence permit before expiration of the term of the permit when:
 - a. It is in the public interest, particularly when the final decision authority does not rest with the Forest Service,
 - b. There is an uncorrected breach of a permit provision(s) (FSM 2721.23i),
 - c. The site has been rendered unsafe by catastrophic events such as flood, avalanche, or massive earth movement, or
 - d. When there is other cause as provided in 36 CFR 251.60.

Revocation in the public interest should not be undertaken unless monies are available to pay for the holder's improvements and there is an urgent need to use the lot before the action can be considered through the Forest planning process resulting in a decision to convert to an alternative public use. When revoking a permit for any cause, give as much advance notice as possible (FSM 2721.23i).

6. Although provision of an in-lieu lot is not required, make a reasonable effort to provide a lot to holders whose lots will be converted to an alternative public use and who have received notification that new permits for those lots will not be issued or who have received revocation notices (except revocation for noncompliance) (FSM 2721.23e). For this purpose, in-lieu lots must be in non-conflicting locations in or adjacent to established tracts within the

National Forest System containing the residences, or in or adjacent to established tracts on adjacent National Forest System lands.

Appropriate lots for consideration are undeveloped, formerly developed, and withdrawn lots in or adjacent to established recreation residence tracts and which are not needed in the foreseeable future for other public uses. Lots that are vacant because of noncompliance or other factors also may be considered as in-lieu lots. In-lieu lots should be comparable to the lots being converted to an alternative public use when possible, but authorized officials should advise holders that the agency cannot guarantee that the available in-lieu lots will be entirely comparable. Do not establish new recreation residence tracts for in-lieu lot purposes. Offer in-lieu lots in accordance with the procedures in FSH 2709.11, section 41.23d.

7. Authorize community-or association-owned and maintained improvements under a separate permit and authority appropriate for that use (see FSH 2709.11, sec. 33.05, definition of “related improvements” and FSM 2721.23c, para. 3.)

FSM 2347.11 - Preventing Unauthorized Residential Use

Prevent unauthorized full-time residence use by enforcing the terms of the special use permit.

FSM 2347.12 - Caretaker Cabins

FSM 2347.12a - Authorization

1. Authorize caretaker cabin use of a recreation residence lot with an annual permit, Form FS-2700-4, under the Act of June 4, 1897. Require applicants who currently have a recreation residence term special use permit to request that the Forest Service revoke their recreation residence permit, as a condition for qualifying for a caretaker cabin authorization. A caretaker cabin may be owned by a tract association, and the authorization may be issued in the name of the head of that association.

2. Coordinate applications for caretaker cabin permits with local governmental agencies to avoid creating unreasonable demands or burdens for services such as snow plowing, mail delivery, garbage pickup, school bus, or emergency services.

3. If the lot is located within a recreation residence tract and ceases to be used as a caretaker cabin, issue a new term permit (Form FS-2700-5a, Term Special Use Permit for Recreation Residences) for recreation residence use to the holder, if qualified.

FSM 2347.12b - Caretaker Cabin Use

The need for a caretaker cabin can rarely be justified where yearlong occupancy is already authorized in the tract. The Forest Supervisor may authorize a caretaker cabin in limited cases where it is demonstrated that caretaker services are needed for the security of a recreation residence tract and alternative security measures are not feasible or reasonably available. The annual fees for a caretaker cabin special use permit shall not be greater than the fee charged for the use of the lot as a recreation residence. That fee shall be determined as follows:

1. The fee for a caretaker cabin located on a lot within a recreation residence tract shall be determined by the typical lot representing the group of lots that includes the lot occupied by the caretaker cabin.

2. When a caretaker cabin is not located within a recreation residence tract, the annual fee shall be equal to the annual fee being assessed for any of the typical lots within the recreation residence tract being monitored by caretaker cabin use which is most representative of the National Forest System land being occupied by the caretaker cabin.

FSM 2700 – Special Uses Management (04/03/2006)

FSM 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 be phased out. The period of continued occupancy may be flexible, but normally should not exceed 15 years. See FSM 2721.23 for direction on recreation residences and FSM 2723.71 for direction on resolving trespass and invalid mining claims problems.

The minimum permit fee is \$150 per year.

FSM 2721.23 – Recreation Residences

The term “recreation residence” includes only those residences that occupy planned, approved tracts or those groups of tracts established for recreation residence use. See FSM 2347 for basic policy on recreation residence use.

FSM 2721.23a – Administration

The following direction 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. Administer recreation residence permits in accordance with the direction in FSM 2721.23(a) through 2721.23(i) and within the broad governing recreation residences and permitted uses set forth in FSM 2347.1 and Title 36, Code of Federal Regulations, section 251.50 (36 CFR 251.50).

1. Issue special use permits for recreation residence in the name of one individual or to a husband and wife. Upon issuance of a new permit that continues the use or amendment, revise authorizations that are not issued to an individual or to a husband and wife, so 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 residence 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 same expiration date.

5. To help defray costs and provide additional recreation 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 area 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 lot to be built. In those cases where more than one dwelling (residence/sleeping cabin) currently occupies a single lot, allow the use to continue in accordance with the authorization. However, correct such deficiencies, if built 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 to the properly determined heir, if eligible, for the remainder of the original permit term, updated to reflect policy and procedural changes. 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 permit to the buyer, if eligible, for the remainder of the original permit term, updated to reflect policy and procedural changes.

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, except when the need for a shorter term has been determined by a project analysis in accordance with FSM 2721.23e and FSH 2709.11, chapter 40.

10. When a decision is made to convert the lot to an alternative use (FSM 2721.23e), take the following actions:

- a. Notify the holder of the reasons and provide a copy of the decision documentation.
- b. Allow at least 10 years of continued occupancy after notification.
- c. Allow the current term permit to expire under its own terms and, if the holder is entitled to additional time to satisfy the 10-year notification period, issue a new term permit for the remaining period. Clearly specify any limited tenure by including the following statement in the permit:

"This permit will expire on (insert date) and a new permit will not be issued."

- d. Issue term or annual permits for additional periods as needed to allow continuation of occupancy until conversion to the alternate public use is ready to begin.

11. Before the Forest Supervisor issues a decision to convert a lot to an alternative public use, submit the proposed decision, supporting documentation and summary of public comments, to the Regional Forester for review for adequacy of the documentation and analysis. If analysis and documentation are inadequate to support the proposed decision or there is some other deficiency in the proposed decision, the Regional Forester shall instruct the Forest Supervisor to remedy the deficiencies and reconsider the proposed decision prior to making the final decision.

12. As with any resource allocation made in a Forest land and resource management plan, the Forest Supervisor may reconsider a decision to continue or convert recreation residence lots to an alternative public use at any time new or changed conditions merit such reconsideration.

13. 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 and document an environmental analysis to determine whether improvements on the lot can be safely occupied in the future under Federal and State laws before issuing a permit to rebuild or terminating the permit. Normally, an analysis should be completed within 6 months of such an event.

Allow rebuilding if the lot can be occupied safely and the use remains consistent with the Forest plan. If the need for an alternative public use at the same location has been established prior to the catastrophic event, do not allow rebuilding if the improvements are more than 50 percent destroyed. If rebuilding is not authorized, in-lieu lots may be offered as provided by FSM 2347.1, paragraph 6, and FSH 2709.11, section 41.23c.

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

15. Do not stay a fee increase pending completion of an appeal of the fee under the administrative appeal regulations. Make any adjustments resulting from the administrative review through credit, refund, or supplemental billing.

16. During the term of a permit, terminate or revoke the use only in accordance with regulations at 36 CFR 251.60 and the terms and conditions of the permit (FSM 2347.1, para. 5). Except for revocation for noncompliance of terms of the permit, the Forest Supervisor shall submit proposed revocations, with supporting documentation and a summary of the public comments, to the Regional Forester for review prior to the Forest Supervisor's issuance of a decision. If analysis and documentation are inadequate to support the proposed decision or there is some other deficiency in the proposed decision, the Regional Forester shall instruct the Forest Supervisor to remedy the deficiencies and reconsider the proposed revocation prior to making the final decision.

FSH 2709.11 – Special Uses Handbook, Chapter 40 (09/17/2008)

41.23 - Recreation Residence Use

41.23a - Continuance of Authorized Uses

When a Forest plan is amended or revised and recreation residence use remains consistent with management direction given in the Forest plan, issue a new permit to the same holder in accordance with the following:

1. Since recreation residences have been in place for many years, and experience in administering this use has shown that continuing the use does not cause significant

environmental impacts, issuance of a new permit can be made without further environmental documentation (FSM 2721.23e), except when the following situations are present:

- a. If the use has been analyzed sufficiently as part of an environmental assessment (EA) or environmental impact statement (EIS) completed within 5 years of permit expiration, but not specifically addressed in a decision document, confirm the consistency of the use with the management direction in the Forest plan by issuing a record of decision or a decision notice and finding of no significant impact.
 - b. If the use has not been analyzed sufficiently as part of an EA or EIS completed within 5 years of permit expiration, complete the appropriate environmental analysis and documentation (FSH 1909.15).
 - c. If an EA or EIS indicating the use is consistent with the Forest plan was completed more than 5 years prior to permit expiration, additional environmental documentation may be necessary (FSH 1909.15).
 - d. If there are changes in the use and the changed use has been analyzed sufficiently as part of an EA or EIS completed within 5 years of permit expiration and approved in the appropriate decision document no further action is required. If the changed use has not been analyzed sufficiently as part of a completed EA or EIS and approved in the appropriate decision document, environmental documentation may be necessary. Such documentation may be accomplished by categorical exclusion (FSH 1909.15).
2. Initiate the analysis and action to issue a new permit 2 years prior to expiration of the current term permit and notify the holder of the outcome of the action.
 3. Ensure the current use is in full compliance with the terms of the permit before issuing the new term permit.
 4. Ensure that the new permit contains those clauses necessary to comply with all current Forest Service regulations and all Federal, state, and county laws, regulations, and ordinances applicable to permit area.

41.23b - Project Analysis

When a land management plan is amended or revised and consistency of the existing recreation residence use with the amended or revised is uncertain, conduct a site-specific environmental analysis to determine whether the use is consistent with the plan (FSM 2721.23e). Inconsistency with the plan does not dictate discontinuation of the use. Recreation residence use may continue through modification of the permit to impose specific occupancy conditions, or by amendment of the Forest plan to accommodate the use (FSM 2721.23e, para. 1).

1. Public Involvement. During the environmental analysis, solicit information and comments from holders, and other interested parties, and the public. Follow Forest Service public involvement procedures (FSM 1620, FSH 1909.12, and FSH 1909.15). Facilitate holder involvement by timing public involvement as closely as possible to the recreation residence use season.
2. Documentation. The analysis and decision document must contain objective, detailed information regarding recreation residence use and other applicable resource conditions. The

documentation must include a full range of alternatives that includes consideration for retention of some or all of the existing recreation residence use.

3. Factors to Consider.

a. Lot use. Evaluate compatibility of the existing recreation residence use with the proposed alternative public use of the lot. Describe any current or anticipated conflicts between recreation residence use and the proposed use. Evaluate the feasibility of other sites for the proposed use whether the proposed use could be accommodated by modifying recreation residence use or by modifying the proposed use.

In developing a range of alternatives:

(1) If possible, evaluate ways to accommodate the proposed use without significant conflict with existing recreation residence use and whether potential conflicts can or cannot be mitigated.

(2) Examine the feasibility of common, shared, or multiple uses that include recreation residences. Also examine the feasibility of adjusting lot and tract sizes, configurations and boundaries, or relocating lot improvements to better continuation of recreation residence use concurrently with the proposed use.

(3) Examine the feasibility of alternative sites for recreation residence use and the proposed use.

(4) Compare the advantages and disadvantages of the proposed use with the advantages and disadvantages of continued recreation residence use, including economic considerations, such as the cost of removing the recreation residences.

(5) Examine the feasibility of using land exchanges to accommodate recreation residence or the proposed use.

b. Other Resource Impacts. Evaluate whether recreation residence use is compatible or in conflict with other National Forest System resources. Consider the applicability of Section 106 of the National Historic Preservation Act and other Federal and state laws that may affect these resources.

c. Environmental Impacts. Compare the environmental impacts of continued recreation residence use and any improvements necessary for continued recreation residence with the environmental impacts of the proposed use. Examine the environmental, economic, and social impacts of continued recreation residence use, the proposed use, and alternative public uses, particularly any necessary construction.

4. Decision Documentation.

a. If the project analysis results in a finding that continued recreation residence use will not conflict with the proposed alternative public use, issue a decision to amend the applicable land management plan, and modify recreation residence permits as appropriate. Issue new recreation residence permits upon expiration of affected permits.. The decision document must summarize the conclusions regarding recreation residence use and provide a basis of new recreation residence permits.

b. If the environmental analysis results in a finding that (1) the recreation residence use is inconsistent with the plan but that continued use does not conflict with the proposed alternative public use or (2) that the proposed use can accommodate some or all of the recreation residence use, issue a decision to amend the plan, and modify existing recreation residence permits as appropriate. Issue new recreation residence permits upon expiration of affected permits. The decision document must summarize the conclusions regarding continued recreation residence use and delineate, as appropriate, the recreation residence uses that will not be continued and those that will.

c. If the environmental analysis results in a finding that recreation residence use remains inconsistent with the plan and that continued recreation residence use conflicts with the proposed alternative public use, issue a decision that the recreation residences be removed and that the lots be converted to the proposed use.

d. In addition to other requirements specified in FSH 1909.15, the decision document must include the following:

(1) The estimated time of conversion.

(2) The reasons the recreation residence use is or is not compatible with the proposed use.

(3) The reasons why the proposed use was chosen over others.

(4) A summary of alternatives to the conversion, including the possibility of combining or sharing use with recreation residence use; adjusting lots or locations of improvements to better accommodate common or shared uses; and alternatives suggested by affected holders and other interested members of the public.

(5) The reasons any conflict between the recreation residences and the proposed use cannot be resolved.

(6) Cost effectiveness of the proposed use.

5. Decision Notification.

a. As soon as possible, notify holders and any interested parties of the decision and provide them with copies of the environmental analysis and documentation and any plan amendment, along with notice of appeal rights under 36 CFR Part 215 or 251, subpart C.

b. When lots will be converted to the proposed use and new permits will not be issued upon expiration of the existing permits, provide the following additional notice:

(1) Of the alternative public use to which the lot is being converted;

(2) Of the period of continued use (10 years, unless the use conflicts with applicable law), from the date of the decision (FSM 2721.23a). Generally use the same conversion date for all affected holders in a particular tract or group of tracts.

(3) That the holder should refrain from making costly repairs, improvements, or expenditures except those that are necessary to protect holder and public health or safety.

(4) Of whether an in-lieu lot will be made available, although the location of the in-lieu lot may not be known until permit expiration approaches.

(5) That cabin user fees will be adjusted in accordance with FSH 2709.11, section 33.2.

6. Review of Decisions. Two years prior to permit expiration (usually the 18th permit term), Forest Supervisors shall review decisions that are more than five years old that affect recreation residence permits to determine if there have been any changes in resource conditions that require reconsideration of the decision.

a. Reviews of these decisions shall be objective, comprehensive, and in writing. New information, changed resource conditions, and new or changed land allocations made through the planning process shall be reviewed to determine if a additional environmental analysis is needed.

b. When initiating the review, notify affected holders and interested publics in writing and provide opportunity for involvement in accordance with Forest Service procedures.

c. If review indicates that conditions have not changed, implement the decision.

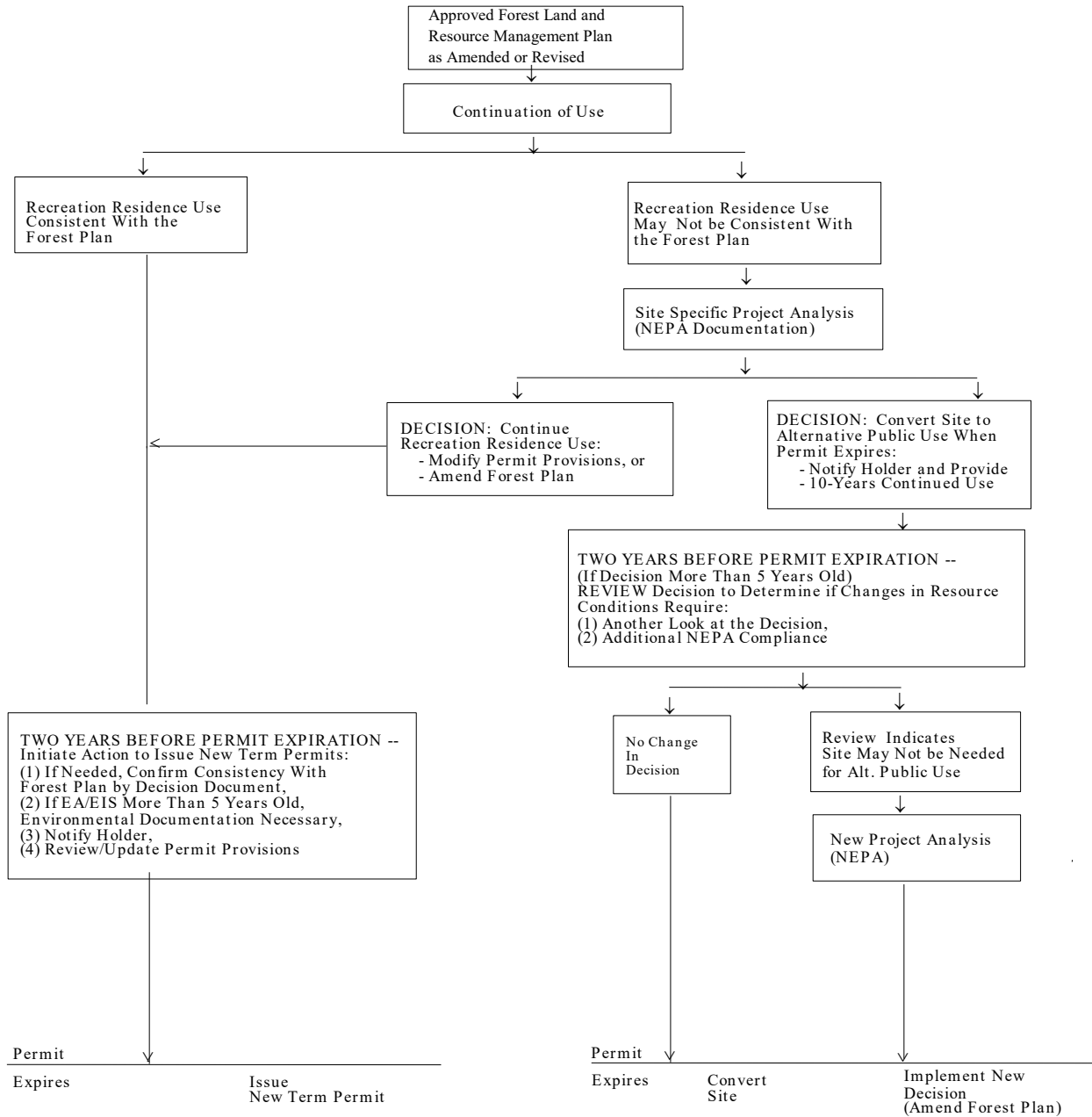
d. If review indicates that conditions have changed, initiate a new environmental analysis to determine future use of the lots.

e. Notify affected holders and interested publics in writing of review findings, including notice that the result of the review is not appealable (36 CFR 251.83 (o)).

41.23c - Determining Whether Recreation Residence Use Should be Continued

Exhibit 01 displays the procedure to be followed in determining whether the recreation residence use should be continued.

PERMIT DECISION PROCESS



41.23d - In-Lieu Lots

An in-lieu lot may be offered to holders who have received notice that their recreation residence permit is being revoked for specific and compelling reasons in the public interest or that a new permit will not be issued following expiration of their permit because the lot is needed for an alternative public use. Do not offer an in-lieu lot to holders whose permits are revoked for noncompliance, for failure to exercise the rights and privileges authorized, or with the consent of the holder. Offer in-lieu lots in accordance with FSM 2347.1, paragraph 6 and FSM 2721.23f and follow these procedures:

1. When available, offer an in-lieu lot to holders at the time that notice is given that their permit is being revoked for specific and compelling reasons in the public interest or that their lot will be converted to an alternative public use and that a new permit will not be issued. If an in-lieu lot is not available at that time, offer one when it becomes available.

2. If feasible, offer an in-lieu lot located in the same tract as the existing lot, or in an expansion of that tract.

3. Arrange an inspection of the in-lieu lot with the holder. Allow the holders 90 days from the date of the inspection or 90 days from the final disposition of all appeals of the decision to convert the lot to an alternative public use, whichever is later, to accept or reject the in-lieu lot. Access to the lot must be provided during the 90-day period.

4. When a holder accepts an in-lieu lot, issue a new recreation residence permit for and reserve the lot. Do not charge a cabin user fee for the lot until the holder begins construction of improvements on the lot. A partial waiver of fees for the in-lieu lot may be appropriate until the improvements are usable. The lot reservation will expire upon holder's failure to begin construction on the in-lieu lot on a mutually-agreed-upon schedule.

5. Allow holders who have accepted an in-lieu lot to continue use their current lot until their permit expires or is revoked with the consent of the holder once the improvements on the in-lieu lot are usable. Inform the holders that they should be prepared to move to the in-lieu lot during the 24 months prior to permit expiration, provided that any required review of the decision to convert the current lot to an alternative public use has been completed (FSH 2709.11, sec. 41.23b, para.6). Discuss revocation of the permit with the consent of the holder once the improvements on the in-lieu lot are usable.

6. When a holder who has accepted an in-lieu lot sells the recreation residence on the holder's current lot, extend the lot reservation for the in-lieu lot to the new owner, if eligible.

APPENDIX B

BRIDGER-TETON NATIONAL FOREST LAND & RESOURCE MANAGEMENT PLAN (1991) (as amended)

Desired Future Condition (DFC) 9B - Special Use Recreation Areas

Theme: An area managed for permitted, private recreation homes, permittees, and others offering services to the public, including related roads and sites.

Experience: Overall, you find many signs of people. But, you see little or no evidence of resource development other than recreation. Cabins and buildings used by permittees are visible but blend into the surroundings. Roads are generally gravelled, but may be paved in higher-use areas. Off-highway vehicle (OHV) use is limited to entry and departure routes.

In some locations, you see extensive development associated with ski areas: hotels, buildings, ski lifts, gondolas, and snow-cat equipment. In the winter, such areas are often quite crowded with roads clogged and many pedestrians in the area.

Management Prescription 9B: Management emphasis is on summer home groups, concession operations, ski areas, lodges, and group camps, and other privately operated sites on National Forest System lands and retention of selected sites for future opportunities.

Land and Resource Management Objectives addressed and, in part, met by achieving this Desired Future Condition include: 1.1(f) and 2.2 (a,b).

Resource Prescriptions, Standards, and Guidelines

Recreation Prescription – Opportunities for privately owned facilities are continued.

Recreation Residence Standard – No new recreation residence tracts will be established. No new residences will be permitted on vacant lots in existing tracts, except for up to 12 lots in the Sylvan Bay tract for permittees who may be displaced from the Fremont Lake South Shore Tract.

Recreation Residence Landscape Guideline – Natural vegetation should be favored around facilities. However, mowing natural vegetation around facilities may be allowed.

Recreation Residence Design Standard – Recreation residences will be no larger than 1500 square feet, excluding outdoor porches. Existing buildings that are larger are permitted, but, measured together, new additions on old structures will not exceed the standard. One story or 20 feet will be the maximum allowed height for new recreation residences or additions.

Privately Owned Facility Standard – A similar architectural theme will be followed for all structures within a development. All permittees will prepare a Master Plan before any site developments occur. Vegetation management plans will be developed for each special-use area to define a program for maintaining a desired vegetative mix and character. Operation and possible expansion of existing recreation special-use facilities will be authorized when needed to meet public demand. An analysis and future use determination of each facility will be completed before the preparation of the revised Forest Plan.

Visual Quality Prescription – The Visual Quality Objectives are Partial Retention and Modification. Facilities are often dominant, but harmonize and blend with the natural setting.

Fisheries and Wildlife Prescription – Habitat management is not intended to meet State wildlife population, recreation-day, or harvest objectives.

Vegetation: Range Prescription – Grazing is allowed seasonally for vegetative management purposes.

Vegetation: Timber Prescription – Only silvicultural practices which preserve or enhance recreation values are used. Timber harvest is not scheduled. Vegetation management practices provide limited opportunities to obtain firewood and other products.

Silvicultural System Guideline – All systems should be available but only as required to meet specific recreation objectives.

Intermediate Treatment Guideline – All methods should be available but only as required to meet specific recreation objectives.

Site Preparation Guideline – All techniques should be available but only as required to meet specific recreation objectives.

Reforestation Standard – Desired stocking levels will be guided by the desired vegetative condition associated with specific recreation objectives.

Aspen Management Guideline – Aspen should be managed for its value in providing seasonal colors.

Minerals Prescription – The area is available for new energy leasing but may not be available for other mineral activity. Exploration and development under existing leases are constrained to meet the objectives of this DFC.

Lease Stipulation Standard – Leases will be issued with a NO-Surface-Occupancy stipulation.

Locatable Minerals Standard – All developed and proposed recreation sites will be protected from locatable mineral entry.

Facilities Prescription – Forest Service operated facilities are safe or they are closed.

Facility Safety Standard – Safe drinking water standards must be met at facilities with water systems. Facilities will be designed and maintained to meet structural and utility safety requirements.

Access: Trails Prescription – Trails area permitted in and around sites.

Trail Density Guideline – Short trails providing access to home sites or facilities and opportunities for interpretation should be developed to whatever density is needed.

Encounters Per Day Guideline – No limit should exist on the number of parties encountered per day.

Recreation Residence Landscape Guideline

Natural vegetation should be favored around facilities. Landscaping around all facilities should maintain an appropriate fire defensible space to protect structures from wildfires.

Protection: Fire Prescription

Fire management activities will reduce the risk to public safety and capital improvements. Permittees are responsible for fuels management.

Fuels Guideline –Permittees will be responsible for maintaining adequate defensible space to protect their capital improvements.

Fuels - Specific mitigation measures will be mutually agreed upon between the Forest Service and permittees during development of annual operating plans.

Appendix C of Recreation Residence Operating Plan

Bridger-Teton National Forest

RECREATION RESIDENCE - LOT INSPECTION FORM

(To Be Completed by USFS Inspector)

Permit Information

Permit Holder's Name		Tract	
Address (if changed from permit face)		Lot Number	
Permit Issuance Date		Permit Termination Date	
Date of Last Inspection		Date of this Inspection	
Non-Compliance Items Noted?		Permit Holder Notified of Non-Compliance?	
Inspector's Name:		Inspector's Title	

Structures Authorized on Face of Permit

Residence Size:		Septic Type		Garage Size		Water System	
Deck/patio Size:		Shed Size:		Other		Other	

Any structures or other improvements which are not authorized on face of permit or within Section II of the Operating Plan? (Attach List if needed) _____

Tract Information:

Is there a plat showing the tract lots? Yes ____ No ____
 Have lots been surveyed and corners established? Yes ____ No ____
 Is tract fenced or gated? If so, is USFS lock incorporated? Yes ____ No ____ Who is responsible for maintenance of fence or gate? _____
 Has tract formed a Homeowner's Association? Yes ____ No ____ Association Name: _____

Inspection Checklist

A. Administrative Checklist	Yes	No
1. Is current Permit up to date? Holder contact information and clauses up-to-date? Permit issued to individual, husband/wife or Trust? Trust documents located in permit file if applicable? Comments:		
2. Is Operating Plan up to date (authorized minor improvements, etc.)? Comments:		
3. Are Site Plan and color photos current and located within permit file? Comments:		
4. Have corrective actions identified from the last inspection and/or required through written notice from the District Ranger been completed by the permit holder by the established due date(s)? (If not, document what actions have or have <u>not</u> been completed and attach to inspection form). Refer to Operating Plan, Section II.D and permit correspondence. Comments:		
5. Have new items of non-compliance been identified since the last inspection? (Document what new items are in non-compliance and attach to inspection form if needed) Comments:		
6. Are fee payments up to date? Have the fee(s) for guest cabins and garages been charged? Comments:		
7. Water Rights , if applicable, filed in the name of the US Forest Service? Comments:		

INSPECTION CHECKLIST - CONTINUED

B. Structures & Facilities - Compliance with Permit & Operating Plan

Yes No

<p>1. Condition of recreation residence, outbuildings, and facilities are acceptable color and in good condition? (matching natural earth tone colors for buildings; no drastic color contrast such as white trim). Comments:</p>		
<p>2. Attached structures (porches, decks, stair railings, doors, exterior walls, etc.) are approved, meet maximum size limits and other standards, and are in good condition? Comments:</p>		
<p>3. Roof condition of recreation residence and outbuildings acceptable? (Composition tile, wood shingles, or metal roofing are allowed but metal roofs are preferred; wooden shakes or shingles must eventually be replaced with fire-resistant material). Comments:</p>		
<p>4. Foundation (underpinning, foundation) adequate and in good repair? Comments:</p>		
<p>5. Septic system operating adequately according to DEQ, County and Forest Service requirements? Comments:</p>		
<p>6. Water system (well, pump house, water lines, holding tank, etc.) operating according to State and Forest Service standards? Comments:</p>		
<p>7. Roads, driveways, parking areas, bridges, etc. in good repair? Comments:</p>		
<p>8. Fences and gates approved and in good repair? Gates are not locked unless specifically authorized in Operating Plan? If locked gates are authorized, USFS lock is incorporated? Comments:</p>		
<p>9. Appurtenances (satellite dishes, antennas, hot tubs, solar panels, etc.) are approved in the Operating Plan and are in good operating condition? Comments:</p>		
<p>10. Construction projects are completed or in progress as approved in Operating Plan; construction materials are neatly stored and excess construction materials are not stored on site? Comments:</p>		
<p>11. Boat Docks meet Operating Plan and BTNF Standards and are in safe, operational condition. Comments:</p>		
<p>12. Recreational stock facilities (corrals, etc.) are approved, are in good condition, and are maintained and utilized according to Operating Plan? Comments:</p>		
<p>13. Recreational equipment (swing sets, slides, play houses, basketball hoops, etc.) are <u>not</u> present? Comments:</p>		

C. Lot Conditions - Compliance with Permit & Operating Plan

Yes No

<p>1. Lot condition neat and orderly (no stored equipment, RV's, trailers, ATVs, etc.); no accumulation of debris or clutter; tarps natural colors; no black plastic)? Comments:</p>		
<p>2. Miscellaneous improvements in good condition? Comments:</p>		
<p>3. Food Storage: Food and attractants adequately stored as identified in Operating Plan? Attractants include garbage, pet food, bird feeders, BBQs and grills, etc. Approved storage methods include storage inside buildings, vehicles, and certified bear-resistant storage containers. Comments:</p>		
<p>4. Signs authorized by the Forest Service and in good repair; designated lot address identified at beginning of driveway as required for Fire & EMS response? Comments:</p>		
<p>5. Landscaping presents a natural character? No flower beds, non-native plants, decorative garden fencing, or lawn ornaments? Lawns are not present unless authorized in Operating Plan? Comments:</p>		
<p>6. Hazard Trees (dead, dying, leaning, etc.) are <u>not</u> present? Comments:</p>		
<p>7. No items nailed, wired, permanently roped, or placed in trees, (including gates, yard lights, power lines, fences, benches, signs, clotheslines, bird feeders and bird houses, corrals, hammocks, and game hangers). Note: Game hangers may be roped to trees while in immediate use. Comments:</p>		

INSPECTION CHECKLIST-Lot Conditions -Continued	Yes	No
8. No salt blocks are present (except for small amounts in leach-proof containers for recreational stock as specifically authorized in Operating Plan)? Comments:		
9. Noxious or invasive weeds are not present? Comments:		
10. No resource concerns (soil erosion, water quality concerns, etc.) are noted? Comments:		

D. Fire Prevention Measures - Compliance with Permit & Operating Plan

Yes No

1. Dead vegetation (slash, brush, limbs, down tree trunks, etc.) removed within 30 feet of buildings? Live aspen, brush, wildflowers, grass, etc. should <u>not</u> be removed. Comments:		
2. Tall grass within 10 feet of buildings is cut and maintained. Comments:		
3. Evergreens (conifers) within 30 feet of buildings are limbed 3-5 feet from the ground to reduce ladder fuels? (Aspen trees are not required to be limbed because they do not act as ladder fuels for fire). Comments:		
4. Tree limbs are removed within 10 feet of power lines, chimneys, and stove pipes? Comments:		
5. Slash (limbs, logs, stumps, etc.) is removed from lot and disposed of in authorized slash pile sites? Comments:		
6. Electrical wiring acceptable and meets State code? Are lines buried or above ground? Comments:		
7. Propane tank located a minimum of 20 feet from recreation residence with no flammables (firewood, fuel containers, etc.) stored within 10 feet of tank?		
8. Firewood & flammable fuels (gasoline, oil, propane canisters, etc.) stored a minimum of 30 feet from recreation residence? Flammable fuel safely stored within outbuilding and not underneath recreation residence? No permanent fuel storage (gas, diesel, or oil) is authorized or located on lot or within tract? Comments:		
9. Chimney and stovepipes equipped with spark arrester and screen? Stoves and stovepipe shielded and roof jacks adequate? Comments:		
10. Roof and gutters are free of excess needles, leaves, and other litter? Roof is constructed of fire resistant material (metal, etc.)? Comments:		
12. Fire extinguishers on premise and checked by permittee annually? Comments:		

E. Off-lot Improvements or Shared Improvements

1. Off-lot or shared improvements (water and septic systems, etc.) authorized on separate permit? If so, list improvement(s), who shares them, and who is responsible for maintenance of improvements. Comments:		
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REMARKS

Item #	
Name & Title of USFS Inspector	Signature of USFS Inspector Date

Appendix D of Recreation Residence Operating Plan

Bridger-Teton National Forest Order Number 04-03-330

Shoshone National Forest Order Number 16-001

United States Department of Agriculture

Forest Service

Rocky Mountain Region—Shoshone National Forest

Intermountain Region—Bridger-Teton National Forest

OCCUPANCY AND USE RESTRICTIONS

For the purpose of minimizing adverse interactions between bears and humans and pursuant to Title 36 Code of Federal Regulations (CFR), 261.50 (a) and (b), the following uses are restricted in those areas of the Shoshone National Forest and the Bridger-Teton National Forest as shown on the attached map (Exhibit B) and hereby made part of this Order. Also attached, and hereby made part of this Order, are Definitions (Exhibit A) of terms used in support of the restrictions. This Order is effective March 1 through December 1, annually, until rescinded.

1. Possessing or storing any food or refuse, as specified in the Order (36 CFR 261.58 (cc)).
2. Possessing, storing, or transporting any bird, fish, or other animal, or parts thereof, as specified in the Order (36 CFR 261.58 (s)).
3. Camping as specified in the Order (36 CFR 261.58 (e)).

UNDER THIS ORDER IT IS REQUIRED THAT

1. All food and refuse must be acceptably stored or acceptably possessed during daytime hours.
2. All food and refuse must be acceptably stored during nighttime hours, unless it is being prepared for eating, being eaten, being transported, or being prepared for acceptable storage.
3. Any harvested animal carcass must be acceptably stored, unless the carcass is being field dressed, transported, being prepared for eating, or being prepared for acceptable storage.
4. Camping or sleeping areas must be established at least ½ mile from a known animal carcass or at least 100 yards from an acceptably stored animal carcass.

EXEMPTIONS

Pursuant to 36 CFR 261.50 (e) the following persons are exempt from this Order:

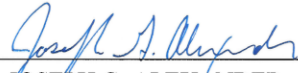
1. Persons with a permit issued by the Forest Supervisor specifically exempting them from the effect of this Order.
2. Persons in the act of placing black bear baits for the lawful purpose of hunting black bears under state law and regulation.
3. Any Federal or State officer placing baits to capture animals for research or management purposes as part of their official duties.

Bridger-Teton National Forest Order Number 04-03-330


Shoshone National Forest Order Number 16-001

These restrictions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A. This Order supersedes any previous Order prohibiting or restricting the same, or similar, acts in the above-described areas.

Done this day 14th of June, 2016.



JOSEPH G. ALEXANDER
Forest Supervisor
Shoshone National Forest



PATRICIA O'CONNOR
Forest Supervisor
Bridger-Teton National Forest

Any violation of these prohibitions is punishable by a fine of not more than \$5,000.00 for an individual or \$10,000.00 for an organization, and/or imprisonment for not more than six (6) months, or both (Title 16 USC 551, Title 18 USC 3571 (b)(6), Title 18 USC 3581 (b)(7)).

Exhibit A

Bridger-Teton National Forest Occupancy and Use Order No. 04-03-330

Shoshone National Forest Occupancy and Use Order No. 16-001

Special Order—Food Storage and Sanitation

Definitions

1. “Food and Refuse” means any substance, solid or liquid (excluding water, baled hay, or hay cubes without additives) or refuse, which is or may be eaten or otherwise taken into the body to sustain health or life, provide energy, or promote growth of any person or animal. Also includes items such as soft drinks, alcoholic beverages, canned foods, pet foods, processed livestock feed and grains, personal hygiene products, and empty food and beverage containers.
2. “Animal carcass” means the dead body or parts thereof, of any harvested mammal, bird, or fish, including the head or skull plate with antlers or horns and hide or cape of big game animals and any domestic livestock that may be found in the restricted area. Packaged or prepared animal carcass products transported into the restricted area for consumption, game birds, small mammals, or fish harvested for consumption in the restricted area are considered food under the previous definition.
3. “Acceptably stored” means:
 - a. Stored in bear-resistant container certified through the Interagency Grizzly Bear Committee Courtesy Inspection Program. A container may be certified by the local district ranger or their designated representative(s) if it meets the IGBC criteria, or
 - b. Stored in a closed vehicle where the storage compartment is constructed of solid, non-pliable material that, when secured, will have no openings, hinges, lids, or coverings that would allow a bear to gain entry by breaking, bending, tearing, biting, or pulling with its claws (any windows in the vehicle must be closed), or
 - c. Suspended at least 10 feet clear of the ground at all points and four feet horizontally from any supporting tree or pole, or
 - d. Stored within a hard-sided residence, building, or storage container subject to the terms and conditions of a special-use authorization or operating plan, or
 - e. Stored by other methods approved in a permit issued by the forest supervisor responsible for the area where the method is proposed for use.
 - f. For animal carcasses: stored as per 3. a-e when located from 100 yards to ½ mile of a camping or sleeping area or within 200 yards of a National Forest System Trail. Animal carcasses are not considered acceptably stored when within 100 yards of a camping or sleeping area or National Forest System Trail. Animal carcasses more than ½ mile from a camping area or sleeping area and more than 200 yards from a National Forest System Trail may be left on the ground.
 - g. Animal carcasses killed or harvested (and parts thereof) within ½ mile of any established camping area or sleeping area must be acceptably stored, possessed, or moved to a distance beyond ½ mile from any such camp or sleeping area by the party(-ies) responsible for killing or harvesting such mammal.
4. “Acceptably possessed” means:
 - a. Possessed or attended during daytime by a person(s) that is physically present within 100 feet and direct sight of the accessible food, or
 - b. Possessed or attended by such a person(s) for the purpose of field dressing lawfully taken animal carcasses, transporting any food or animal carcass, preparing any animal carcass or food for eating, or eating any food.

Bridger-Teton National Forest Order Number 04-03-330

Shoshone National Forest Order Number 16-001

5. "Camping/sleeping area" means National Forest System Lands temporarily used for the purpose of overnight occupancy without a permanently fixed structure or lands temporarily occupied by unattended camping equipment.
6. "Daytime" means ½ hour before sunrise to ½ hour after sunset, Mountain Time.
7. "Night time" means ½ hour after sunset to ½ hour before sunrise, Mountain Time.
8. "National Forest System Trail" means a trail wholly or partly within, or adjacent to, and serving a part of the National Forest System and which has been included in a forest recreation map.

Bridger-Teton National Forest Order Number 04-03-330

Shoshone National Forest Order Number 16-001

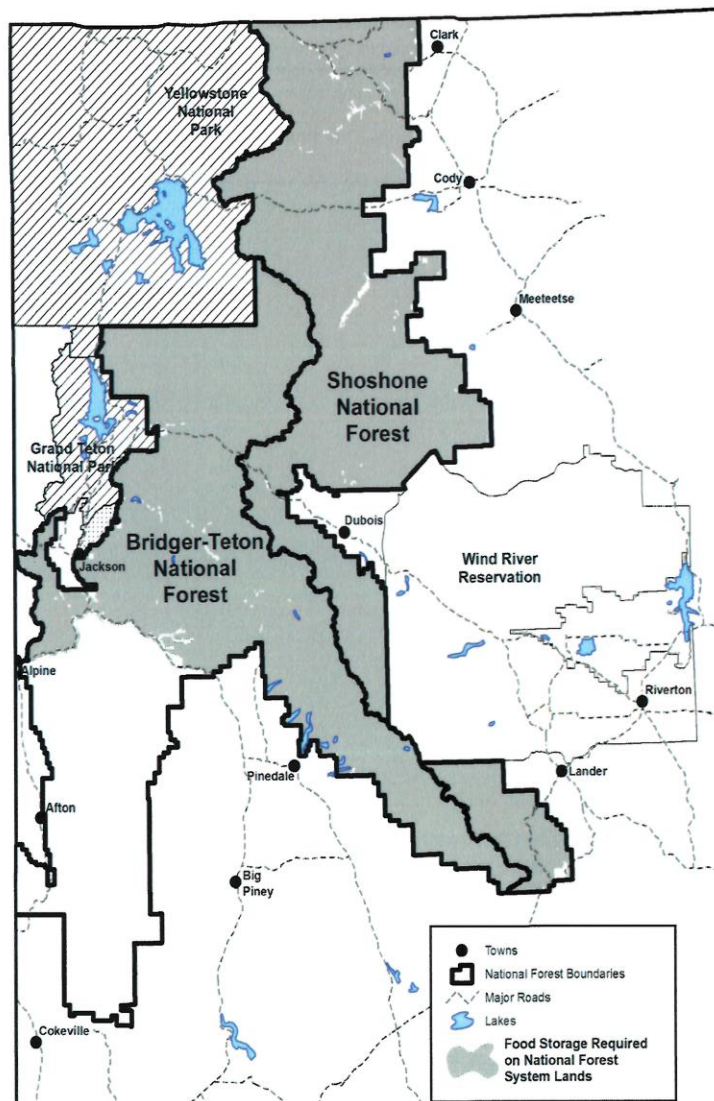
Exhibit B

Bridger-Teton National Forest Occupancy and Use Order No. 04-03-330

Shoshone National Forest Occupancy and Use Order No. 16-001

Special Order—Food Storage and Sanitation

Area of Application



Bridger-Teton National Forest Order Number 04-03-330
Shoshone National Forest Order Number 16-001

This food storage order applies to the entire Shoshone National Forest.

On the Bridger-Teton National Forest, the food storage order applies to all of the Blackrock, Jackson, and Pinedale Ranger Districts, and northern portions of the Big Piney and Greys River Ranger Districts described as follows:

WESTERN BOUNDARY: North from Alpine along divide of Snake River Range from Dry Gulch to Ferry Peak summit, along top of divide to Deadhorse Peak and north along Targhee-Bridger-Teton Forest boundary.

SOUTHERN BOUNDARY: The food storage boundary on the Bridger-Teton National Forest begins on the southwest at the south side of the confluence of the Snake and Greys Rivers. It then runs east and north along the Snake River corridor, including that area ½ mile south and east of the river itself, to the junction with the Hoback River. At Hoback Junction the area covered by the food storage order runs east along the Hoback River corridor, also including that area up to ½ mile south of the river, to where the Hoback River leaves U.S. 189/191. From there the food storage order applies north of the U.S. 189/191 corridor, also including that area up to ½ mile south of the highway and running east to the Forest boundary in T37N, R111W, Section 32 (The Rim). From there the boundary runs northeast along the Forest boundary to the Green River, then southeast along the Forest boundary to the SW corner of Sec. 10, T29N, R102W. From there the boundary runs east along the Forest Boundary to the Shoshone National Forest.