

**Forest Service Handbook
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**Forest Service Handbook 2709.14 – Recreation, Heritage and Volunteer Resources
Chapter 20 - Recreation Residences and Other Noncommercial, Privately Owned
Improvements Authorized To Individuals**

Amendment: 2709.14-2011-2

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Approved by: James Pena, Associate Deputy Chief, NFS

Date approved:

Responsible Staff:

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Superseded Document(s):

Digest: Following is an explanation of the changes throughout the directive by section.

20: Establishes code, chapter caption, and sets forth direction for “Recreation Residences and Other Noncommercial, Privately Owned Improvements Authorized to Individuals.”

21: Establishes reserved code and caption “Isolated Cabins.”

22: Establishes reserved code and caption “Houseboats.”

23: Establishes code, caption, and sets forth direction for “Recreation Residence Use.”

24: Establishes reserved code and caption “Caretaker Residence.”

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21 - Isolated Cabins [Reserved]

22 - Houseboats [Reserved]

23 - Recreation Residence Use

23.1 - Continuance of Recreation Residence Use

When a land management plan is amended or revised and recreation residence use remains consistent with management direction in the plan, issue a new permit to affected recreation residence permit holders 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 recreation residence 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 a new permit.

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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 the permit area.

23.2 - Environmental Analysis

When a land management plan is amended or revised and consistency of the existing recreation residence use with the amended or revised plan 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 conditions on occupancy or through amendment of the plan to accommodate the use.

1. Public Involvement. During the environmental analysis, solicit information and comments from holders, other interested parties, and the public. Follow Forest Service public involvement procedures (FSM 1620; FSH 1909.12 and 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 of 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 the recreation residence use and the proposed use. Evaluate the feasibility of other sites for the proposed use or whether the proposed use could be accommodated by modifying the 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 accommodate continuation of recreation residence use concurrently with the proposed use.

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- (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 use 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 use 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 environmental 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 for issuance 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 is inconsistent with the plan and that continued recreation residence use conflicts with the proposed alternative public use or that the proposed use cannot accommodate any

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of the recreation residence 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, other interested parties, and the public.
- (5) The reasons any conflicts between the recreation residence use and the proposed use cannot be resolved.
- (6) The cost-effectiveness of conversion to the proposed use.

5. Decision Notification.

a. As soon as practicable, 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 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.

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(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 year of the permit term), forest supervisors shall review decisions that are more than 5 years old that affect recreation residence permits to determine if there have been any changes in resource conditions that require reconsideration of the decisions.

a. Review 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 additional environmental analysis is needed.

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

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

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

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

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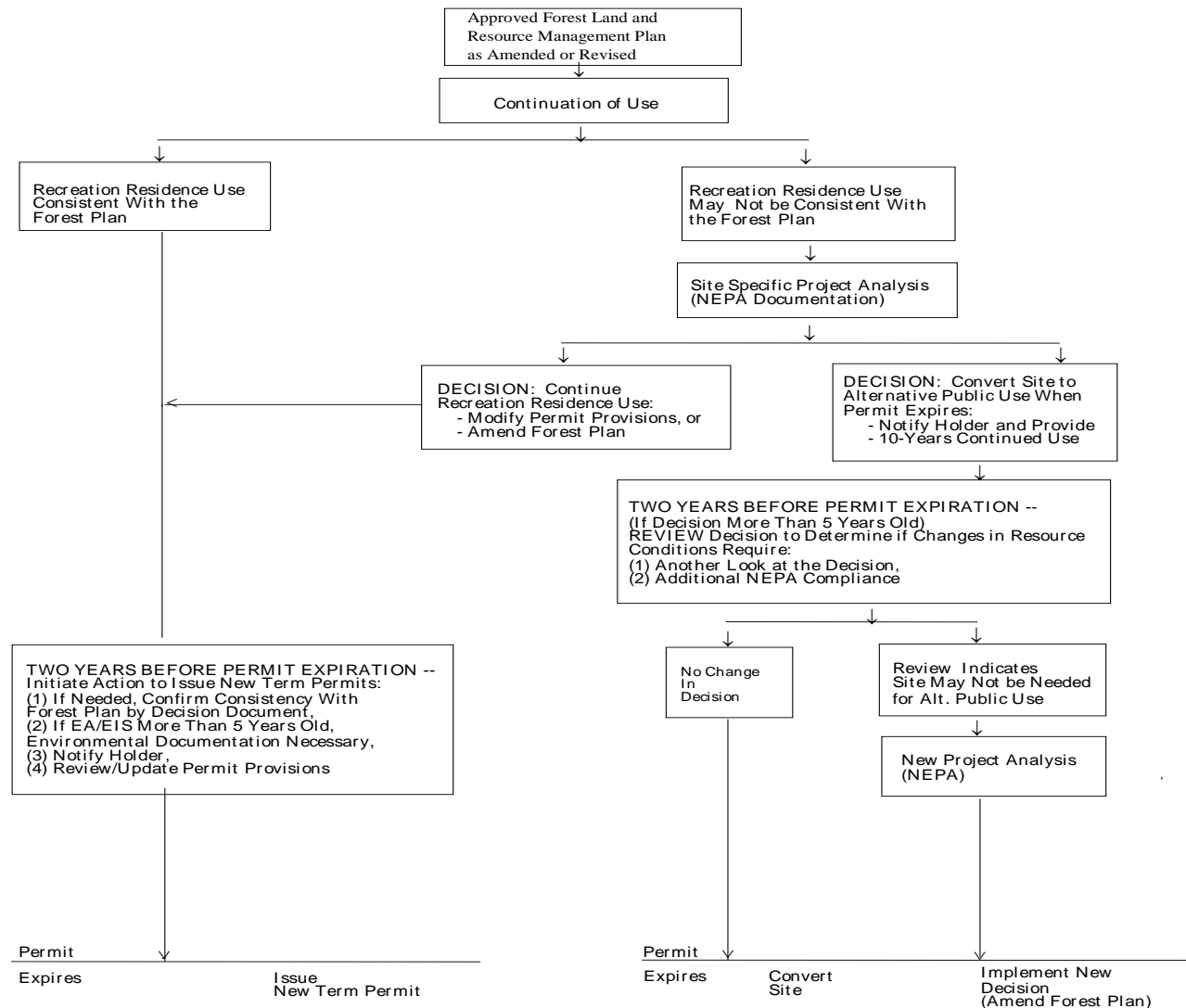
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23.3 - Determining Whether Recreation Residence Use Should Be Continued

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

23.3 - Exhibit 01

Determining Whether Recreation Residence Use Should Be Continued



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23.4 - 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 their 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 2721.23f, and the following 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 holder 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 cabin user fees for the in-lieu lot may be appropriate until the improvements are usable. The lot reservation will expire upon the 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 to 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 2709.14, sec. 23.2, 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.

24 - Caretaker Residence [Reserved]