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**Forest Service Manual 2300 – Recreation, Wilderness, and Related Resource Management
Chapter 2340 – Privately Provided Recreation Opportunities**

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

Section 2343.03: Revises direction to reflect current industry terminology.

Section 2341.3: Revises direction to reflect current industry terminology.

Section 2343.12: Revises direction to include military artillery, if applicable and to reflect current industry terminology. Includes editorial change and a reference added to new direction in Forest Service Manual 2719.

Section 2343.13: Revises direction to simplify the required content of operating plans for ski areas.

Section 2343.9: Revises direction to reflect current industry terminology.

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This chapter provides direction for planning, authorizing, and administering developments and activities of private parties or groups; public agencies such as State and local government bodies; private or public institutions such as clubs and youth, religious, or civic groups; and private businesses that provide accommodations and services on National Forest System lands. See FSM 2700 for direction on issuing and administering special use permits.

2340.01 - Authority

See FSM 2701 for the lists of Federal laws and regulations that allow occupancy and use of National Forest System lands by entities other than the Forest Service.

2340.02 - Objectives

To provide, under special use authorization, sufficient, suitable facilities, and services that supplement or complement those provided by the private sector, State, and local government on private land and the Forest Service on National Forest System land to meet public needs, as determined through land and resource management planning.

To facilitate the use, enjoyment, understanding, and appreciation of natural resource settings in National Forests.

2340.03 - Policy

1. Issuance of Authorizations to State, County, or Municipal Agencies for Recreational Improvements.
 - a. Issue special use authorizations for State, County, or Municipal agencies to develop or manage recreational improvements on National Forest System lands for:
 - (1) Lands that over a long period should be dedicated to that purpose, or
 - (2) Lands that could logically be conveyed to State or local governments through land-exchange procedures without detriment to National Forest System administration or programs.
 - b. In either case, National Forest System lands eligible for such use should meet at least two of the following conditions. The lands must be:
 - (1) Tracts adjacent to exterior National Forest System boundaries.

- (2) Small tracts associated with adjacent, larger tracts managed by other agencies or privately owned that are not suitable for acquisition for National Forest System purposes.
 - (3) Tracts adjacent to lands owned by the agency proposing or applying for the authorization and needed to complete a unit for development as a park or recreation area.
 - c. Although it would be preferable to adhere to the conditions in the preceding paragraphs 1 through 1b(3) for target range authorizations, target ranges may have specific needs for special site conditions, safety zones, and sound buffers that cannot be achieved along exterior boundaries, on small tracts, or adjacent to other privately owned lands. Therefore, consider special use proposals and applications for target ranges not meeting these criteria on a site-specific, case-by-case basis.
- 2. Denial of Proposals by State, County, or Municipal Agencies for Recreational Improvements. Deny special use permit proposals by State and local agencies proposing to develop parks or recreational areas that do not qualify under the provisions in the preceding paragraphs 1(1)c, except in unusual circumstances or when the authorization is clearly in the public interest. Obtain review and advice of the Chief before approving permits based on these exceptions. Review by the Chief is not required for roadside rest and picnic developments by county or State agencies if no suitable private land or other agency land is available for such purposes.
- 3. Denial of Proposals by the Private Sector for Recreational Facilities and Services. Deny proposals by the private sector to construct or provide outdoor recreation facilities and services on National Forest System lands if these facilities and services are reasonably available or could be provided elsewhere in the general vicinity. Encourage business enterprises engaged in providing such facilities and services to locate on private lands or in nearby communities.
- 4. Use of Appropriated Funds. Do not use appropriated funds to construct recreation facilities for operation by others under special use authorization, as a general rule. Use appropriated funds, when necessary, to restore existing Government-owned recreation improvements that have been operated under special use authorization.
- 5. General Requirements and Prohibitions related to Authorizations for Recreation Facilities and Services.
 - a. Require holders to protect soil, vegetation, and other resources within the authorized area to perpetuate a condition suitable for recreation purposes.

- b. Ensure that all services and facilities provided by private individuals or public entities under special use permits are equally available to all members of the public. Include non-discrimination clauses in special use permits (FSM 1700 and 2710) and revoke the permits if discriminatory practices occur.
- c. Prohibit gambling devices or activities at any facility or any area authorized for special recreation uses on National Forest System land.

2340.04 - Responsibility

See FSM 2710.4 for the responsibilities of the Chief; Washington Office, Director of Recreation, Heritage, and Wilderness Resources; Regional Foresters; Forest Supervisors; District Rangers; and Directors of Experiment Stations concerning the authorization and administration of special use permits. See FSM 1920 for responsibilities for land management planning relevant to planning for private sector recreation uses.

2340.05 - Definitions

Additional Seasonal Recreation Activity. A recreation activity other than snow sports.

Advertising. The act of calling public attention to a product or business.

Amusement Park. A developed recreation area consisting primarily of: facilities or activities that are not natural resource-based; do not encourage outdoor recreation and enjoyment of nature; do not, harmonize with the natural environment; are not consistent with the general policy on the use of National Forest System lands for special uses; and contain rides and other amusements that are not typically found in a natural resource-based environment, such as water slides and water parks, Ferris wheels, bumper cars, and miniature golf courses.

Authorized Officer. Any Forest Service employee with delegated authority to evaluate and administer special use authorizations (36 CFR 251, subparts B and C, and FSH 2709.11, section 10.41).

Caretaker Cabin. A residence that is authorized in limited cases to provide caretaker services and security to a recreation residence tract and that is not a recreation residence, even if the cabin is located in a recreation residence tract.

Concessioner. An individual, organization, company, corporation, or cooperating State or local agency holding a valid special use permit authorizing the provision of commercial recreation services, facilities, or activities on National Forest System lands.

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Inspection. On-site monitoring of an authorized activity or facility to assess conditions and inform a compliance review.

Monitoring.

Administrative. Review of a holder's performance to ensure that it is in compliance with the terms and conditions of a special use authorization.

Cost Recovery. See 36 CFR 251.58(d); FSH 2709.11, section 20.5.

Engineering. Review of a holder's performance to ensure that an engineering design or operational standard is met.

Environmental. Review of a holder's performance to compare implementation of a project to the project decision to determine whether it is being carried out as intended. See FSH 1909.12, section 12, regarding monitoring of land management plans, and FSH 1909.15, section 54, regarding implementation and monitoring of project decisions.

Natural Resource-Based Recreation. A proposed or existing recreation activity that occurs in a natural setting where the visitor's experience is interdependent with attributes such as mountains, forests, geology, grasslands, water bodies, flora, fauna, and natural scenery.

Qualified Forest Officer. A Forest Service employee, who through training or experience, is sufficiently knowledgeable about the design, operation, and maintenance of concession facilities to act for the Authorized Officer in administering the recreation special use authorization and monitoring these activities.

Recreation Residence. A privately owned dwelling within an established recreation residence tract or group on National Forest System land, authorized for maintenance and use under a special use permit. A vacation structure authorized for the purpose of facilitating the use and enjoyment of related National Forest lands and recreation resources by holders, their families, and guests. A recreation residence is not intended for use as the primary or permanent residence of the owner.

Sponsorship. Monetary or in-kind support from an individual or entity for an event, project, or program that promotes public participation in or awareness of management of National Forest System lands.

Terrain Park. An area with artificial features such as jumps, rails, boxes, quarter- and half-pipes, and other obstacles that is used by freestyle skiers and snowboarders in the snow season and by bicycles in non-snow season.

2341 - Planning for Private Sector Uses

Generally, the planning process for private use requires the following management actions:

1. Identify and justify National Forest System sites and areas suitable for development, operation, and use by the private sector under special use authorization through Forest land and resource management plans and addendums (FSM 1920 and FSH 1909.12).
2. Review needs assessments and development plans (master plans) to determine the location, nature, scope, and timing of development of facilities at current and potential permit sites.
3. Review engineering designs and drawings and approve the configuration and design of structures and facilities to be placed at sites under permit.
4. Review and approve the Permittee's operating plan to ensure agreement with the Permittee about the management, operation, and maintenance of the permitted site and area.

2341.1 - Planning for New Sites and Areas

1. Use the land and resource management planning process (FSM 1922) to identify and reserve new sites and areas for use and development when national social benefits under such use and development are expected to exceed the benefits from alternative uses of those lands and resources.
2. Base land and resource allocations for prospective private sector development and use on studies, analyses, reports, and data that:
 - a. Indicate there is an expected national public need for the recreation services, facilities, and opportunities.
 - b. Identify how such development will meet those needs and remain consistent with Forest Service policy.

2341.2 - Planning for Changes in Development and/or Use

When it appears necessary to change development and/or use of an established site, conduct needs assessments and studies, preferably as part of the forest planning process,

and, if appropriate, prepare and approve updated site development plans.

2341.21 - Needs Assessments for New Sites or Areas

Before authorizing recreation activities, uses, or development of new sites or areas identified in the Forest plan, prepare a site-specific study including appropriate environmental analysis to determine:

1. The desirability and suitability for the intended purpose.
2. The nature and extent of needed development and services.
3. The social, economic, and environmental effects of use.
4. Required mitigation measures.
5. Prospective applicants.
6. The likelihood of a sufficient return on investment, if the development is to be commercially operated.
7. Other such qualifying factors.

2341.22 - Site Development Plans for New Sites or Areas

If the decision is to proceed with the development, prepare a conceptual site development plan that narratively describes and graphically depicts the nature, scope, location, and timing of the needed development.

2341.23 - Needs Assessment for Existing Permitted Sites and Areas

Periodically during the term of the permit, before or at the time of expiration and renewal, or in conjunction with a sale or permit relinquishment, prepare needs assessment in consultation with the Permittee, prospective Permittee, and other interested parties. Consider whether the activities, uses, and developments should be continued, modified, expanded, or otherwise changed to best serve the public interest.

2341.3 - Designing Structures and Facilities

Require permit holders to submit plans and designs for proposed facilities for review and approval by the Forest Service. Evaluate plans and designs against the following

standards:

1. The nature and scope of the proposed facilities, services, and activities are consistent with the applicable land and resource management plan.
2. The design of the proposed facility is compatible with the natural setting.
3. The proposed facilities are consistent with accepted master development plan, if required.
4. The proposed facilities comply with all applicable Federal, State, and local law.
5. The plans and have been prepared and certified by a qualified architect or engineer.

A post-construction certification by a qualified architect or engineer that the facilities were constructed in full conformance with the certified plans and specification must be submitted to the authorized officer.

2341.4 - Operating Plans

Require holders providing facilities and/or services to the public to prepare an operating plan for Forest Service approval. This plan must outline their responsibilities for protecting public health, safety, and the environment and for ensuring delivery of high-quality services. Ensure that operating plans contain sufficient detail and standards to enable the Forest Service permit administrators to monitor operations for compliance.

2341.5 - Permittee Employee Housing

Some special recreation uses, such as ski areas and year-round resorts, may require on-site housing for the Permittee and/or employees of the Permittee to adequately protect property and provide for public safety. The Authorized Officer shall carefully evaluate the need and justification for Permittee housing within a permit area and make the determination in compliance with the appropriate environmental analysis and documentation requirements set forth in FSM 1950 and FSH 1909.15.

The Authorized Officer may approve Permittee housing within a permit area if the following conditions are met:

1. Provision of Permittee housing is consistent with the management direction and guidelines of the Forest land and resource management plan for the area.
2. There is a clear and convincing need for 24-hour, on-site property protection,

round-the-clock public safety, and/or intermittent emergency service at other than normal operating hours, and the commuting time between the permit area and the nearest private property available for permittee housing exceeds one hour.

Ownership of Permittee housing for the holder of the permit or employees of the holder must be vested in the holder.

2342 - Administration of Private Sector Uses

2342.03 - Policy

Require concession and organization camp holders to provide operating plans for all public use sites to facilitate monitoring for compliance with the terms of the special use authorization.

2342.04 - Responsibility

Authorized officers have the responsibility to:

1. Evaluate special use applications, approve authorizations, and administer subsequent special use operations (FSM 2710 and 2720).
2. Ensure the permit holders providing service to the public have inspection, maintenance, and documentation processes that provide for meeting applicable public health and safety standards.
3. Monitor the holder's system of inspection, maintenance, and documentation to determine whether the system is in place and functioning properly.
4. Conduct on-site spot checks of operation and maintenance, as necessary, based on a holder's performance history and adequacy of the holder's inspection and maintenance documentation processes.
5. Consult with Forest Service staff Engineers and other Specialists, to assure that all technical requirements of the special use authorization are met.
6. Periodically meet with the holders providing service to the public to review their operation and maintenance programs.

2342.1 - Law Enforcement

The responsibility for conducting law enforcement at concession campgrounds operated on National Forest System lands is borne by several governmental entities. It is the responsibility of the Authorized Officer to ensure that law enforcement activities at

concession campgrounds are conducted in a manner consistent with the provisions of exhibit 01.

2342.1 - Exhibit 01

Law Enforcement at Concession Campgrounds

ROLES AND RESPONSIBILITIES

1. **Concessionaires.** In responding to violations of Federal, State, and local laws, ordinances, and regulations, Concessionaires have the same authority as a private citizen. Concessionaires generally cannot enforce Federal, State, or local laws or regulations, including 36 CFR part 261, Prohibitions on National Forest System lands. Concessionaires should be knowledgeable of applicable Federal, State, and local laws and regulations, including 36 CFR part 261, and should report violations of these laws and regulations to the appropriate law enforcement authorities.

Concessionaires may enhance public safety at concession campgrounds in a number of ways. For example, they may hire a private security firm, hire off-duty State or local law enforcement personnel, or enter into a cooperative agreement with the county for additional patrols.

Under the terms of the campground concession permit, the Authorized Officer may allow or require a Concessionaire to establish certain restrictions on conduct or rules of use. For instance, the Concessionaire may establish a rule of use that limits the number of vehicles per campground site, establishes a limit on the length of stay, or prohibits washing food at a water hydrant. The rules of use may be incorporated into the Concessionaire's operating plan, and the Concessionaire may be held accountable for ensuring compliance under the terms of the special use permit.

Conduct that violates rules of use may also violate Federal, State, or local laws. When such conduct occurs, the Concessionaire should report those violations to the appropriate law enforcement authority. For example, violation of a

rule of use may constitute a disturbance of the peace in violation of State law or disorderly conduct in violation of Forest Service regulations at 36 CFR 261.4.

To minimize confusion between criminally enforceable Federal, State, and local laws and concessionaire-established rules of use, each should be separately posted within the campground.

2342.1 - Exhibit 01 – Continued

State and Local Law Enforcement Agencies. Generally, State and local law enforcement agencies have authority to enforce applicable State and local laws, ordinances, and regulations on National Forest System lands. Under 16 U.S.C. 480, States retain their civil and criminal jurisdiction over persons on the National Forests. Thus, crimes involving persons and their property are generally the primary responsibility of State and local law enforcement authorities.

Where a Concessionaire has established rules of use, there is no authority for a State or local law enforcement agency to take enforcement action, unless the conduct giving rise to the violation of a rule of use also constitutes a violation of State or local law.

There is no authority for the Forest Service to allow State and local law enforcement personnel to enforce Federal laws and regulations, including 36 CFR part 261. Some conduct may be prosecuted under Federal or State law because the conduct violates both Federal and State law. However, State and local law enforcement officers may enforce only State and local law.

2. Forest Service. The Forest Service retains all its authorities and responsibilities for enforcing Federal laws and regulations relating to administration of National Forest System lands. The role and responsibilities of the Forest Service do not change simply because the Forest Service has issued a special use permit to a Concessionaire. Forest Service personnel should continue to enforce all Federal laws and regulations relating to administration of National Forest System lands within concessionaire-operated campgrounds.

Forest Service personnel should not assume, however, that all laws and regulations applicable to facilities operated by the Forest Service are also applicable to sites operated by Concessionaries. For example, as a matter of policy the Forest Service does not interpret failure to pay a camping fee charged by a Concessionaire to be a violation of 36 CFR 261.15 because the camping fee charged by the Concessionaire is not an admission or recreation use fee for a “site, facility... or service furnished by the United States.” The agency construes “furnished by the United States” to mean “owned and operated” by the United States.” Therefore, the Forest Service would not cite someone for failure to pay a camping fee at a concession campground because the site is operated by a Concessionaire, rather than the Forest Service, and the Concessionaire, rather than the Forest Service, retains the campground fees.

The regulations at 36 CFR part 261, subpart A, apply at both Forest Service and

2342.1 - Exhibit 01 - Continued

concessionaire-operated campgrounds. In contrast, orders issued under 36 CFR part 261, subpart B, may or may not apply at concession campgrounds. A subpart B order must clearly state the area to which it applies (36 CFR 261.50(c)(1)). If the order is forest-wide, it applies to all campgrounds, including concession campgrounds, within the forest. Operating plans for concession campground permits should be consistent with any orders that apply. A Concessionaire may not allow an activity prohibited by an order. However, a Concessionaire's rule of use may be stricter than an order.

The Regional Forester or Forest Supervisor may exempt concession campgrounds from an order and may want to exempt them to place more responsibility for the site on the Concessionaire. Rules of use rather than the order would then govern. This approach is consistent with one of the purposes of the campground concession program, which is to reduce expenditure of limited Forest Service resources in administering developed recreation sites.

When issuing a subpart B order, the Regional Forester or Forest Supervisor should consider whether the order should apply at concession campgrounds.

If concession campgrounds are exempted from a subpart B order, the rules of use established by Concessionaires may differ from the restrictions contained in the order that applies elsewhere. For example, the restriction established by an order on the number of vehicles allowed per campsite at a Forest Service-operated campground may differ from the same type of restriction adopted as a rule of use at a concession campground. Forest Service personnel should ensure that they enforce only those subpart B orders that apply to concession campgrounds.

36 CFR part 261, subpart C, regulations should be handled the same way as subpart B orders. Subpart C regulations are issued by the Chief or Regional Forester to prohibit acts or omissions in all or any part of an area over which the Chief or Regional Forester has jurisdiction.

Forest Service law enforcement personnel should cooperate with State and local law enforcement agencies to the extent authorized by Forest Service policy (FSM 5360) and Federal and State law, such as 16 U.S.C. 559g(c), which authorizes acceptance of a law enforcement designation from States, and 16 U.S.C. 553, which authorizes the Forest Service to aid in the enforcement of State laws in certain respects.

2342.1 - Exhibit 01 - Continued

Prospectuses and permits for concession campgrounds should clearly describe the respective responsibilities of Forest Service law enforcement personnel, State and local law enforcement authorities, and Concessionaires.

SUMMARY

Crimes involving persons and property are generally violations of State law. State and local law enforcement authorities have jurisdiction to enforce State laws at concession campgrounds. Forest Service personnel have the responsibility to enforce Federal laws and regulations relating to the administration of National Forest System lands.

Concessionaires may establish and enforce rules of use that are subordinate to Federal, State, and local laws and regulations. Rules of use are not enforceable by Federal, State, or local law enforcement authorities unless violations or rules of use constitute violations of Federal, State, or local laws.

Concessionaires should contact Federal, State, and local law enforcement authorities to address criminal violations under their respective jurisdictions. Concessionaires may also consider hiring a private security firm or contracting with off-duty State or local law enforcement personnel to address day-to-day public safety concerns at concession campgrounds.

Campground concession prospectuses and permits should clearly describe the respective responsibilities of Forest Service law enforcement personnel, local law enforcement authorities, and Concessionaires. In order to minimize visitor confusion between criminally enforceable Federal, State, and local laws and concessionaire-established rules of use, each should be separately posted within a campground.

2343 - Concession Uses Involving Privately Developed Facilities

2343.02 - Objective

To provide diverse, natural resource-based recreation opportunities.

2343.03 - Policy

Manage concession sites, activities, and programs according to the policies in section 2340.3, the following policies, and the specific direction for each category of use.

1. Authorize concession developments only where there is a demonstrated public need. Do not permit concession development either solely for the purpose of establishing a profit-making commercial enterprise or where satisfactory public service is or could be provided on nearby private or other public lands.
2. Issue prospectuses to solicit proposals for development of new concession sites when it is in the public interest or when competition exists or may be created. Give existing concessioners an opportunity to expand their operation to meet increasing public needs before offering new sites for development.
3. Give priority to developments offering moderately priced accommodations and services as opposed to luxurious accommodations and services affordable only by the affluent.
4. Encourage year-round, natural resource-based recreation activities at privately developed concession sites. Some facilities may be allowed as part of a resort development that would not be authorized as stand-alone developments. For example, allow installation of zip lines and other aerial adventure course facilities only under term permits for ski areas, resorts, and organizational camps, but not as stand-alone developments or under service permits. Refer to FSM 2343.14 and 7330 for guidance related to year-round natural resource-based recreation activities and associated facilities.
5. Allow holders to provide only those services and facilities and to conduct only those activities specified in the special use authorization. Amend authorizations to document the location of facilities and services that are approved.
6. Allow the sale of distilled alcoholic beverages for on-site consumption only as an adjunct to a resort or other recreation concession development where food and beverage operations are part of the overall business and only within the requirements of State and local laws. Do not allow their sale as an independent service or solely on the basis of profitability. Require holders to locate cocktail

lounges and bars so that it is not necessary to pass through them to reach the other services provided for in the authorization. Do not allow the sale of distilled alcoholic beverages for off-site consumption.

7. Authorized officers may, at their discretion, allow the sale of fermented alcoholic beverages (beer or wine, for example) or off-site consumption as an adjunct to a resort or other concession development.
8. Require concession authorization holders to provide all of the improvements and services needed by the public and specified by the special use authorization. Under normal circumstances, issue only one authorization for each site and allow sub-leasing of facilities and services only where the holder can prove this would provide a clear public benefit.
9. Periodically analyze use at concession sites to determine whether the services being provided are still necessary. If not, either require holders to change the services over time to meet public need or terminate the authorization.
10. For concession sites receiving limited patronage as evidenced by use records, low sales revenue, and low fee payments, require one of the following:
 - a. Change of facilities, services, or activities.
 - b. Relocation.
 - c. Termination.
11. Advertising. Except as provided in paragraphs 11 and 12, prohibit advertising at concession sites. Any exterior signage at a concession site must have prior written approval from the Authorized Officer as part of the operating plan. The Forest Service shield and any other symbol identified with the Agency shall not appear in conjunction with product or service names and advertisements, and care must be taken to avoid any other appearance of Agency endorsement of products or services. Prohibited advertising includes naming of facilities in ways designed to promote the products or services of a company other than the permit holder. Placement of product or service names or advertisements on Government vehicles is always prohibited. The Forest Service has no authority to regulate any form of advertising conducted strictly on non-National Forest System lands.

Advertising and displays that do not comply with paragraphs 11 and 12 must be removed or modified to comply. Those that involve a contract with a third party may remain in place through the term of the current contract but may not be

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renewed or extended.

- a. Indoor Spaces. Advertising may be allowed inside buildings and other closed interior spaces owned by the holder, including the interior of an aerial tramway or gondola cabins, buses, and other vehicles. Interior spaces do not include ropeway towers, chairs, restraining bars, or other exterior ropeway components. Advertising may not be placed in a manner that allows it to be visible from outdoors, such as in building windows. Advertising in indoor spaces may promote the products or business of either the holder or other individuals and entities.
- b. Ropeway Restraining Bars. Advertising may be allowed on ropeway restraining bars facing passengers:
 - (1) Only when it is included in a trail map display; and
 - (2) Only to the extent the advertising does not exceed 33 percent of the surface area of the panel facing passengers.
- c. Holder Services. Holders may post signs and other information at suitable outdoor locations in the permit area that notify visitors of the location of services offered at the concession site, such as rental shops and restaurants, provided that outdoor postings:
 - (1) Are limited to services provided by the holder;
 - (2) Identify only the name and location of services provided at the concession site; and
 - (3) Do not include the name of other companies or product descriptions, trademarks, taglines, promotional graphics, or any other advertising for those companies.
- d. Holder Name and Logo. Holders may post signs at suitable outdoor locations in the permit area that display the holder's name and logo. Holders, their contractors, other service providers, and business partners may display their name and logo on personal and company vehicles operated on roads and in parking areas within the permit area. Except as provided in paragraph f, no other name, logo, or other advertising is permitted on signs and vehicles operated in the permit area.
- e. Printed Materials and Other Off-Site Media. Printed materials and other

media produced outside the permit area, such as trail map brochures, that contain advertising may be distributed at concession sites, but may not be posted in outdoor settings in the permit area, unless they are advertising strictly holder services. These materials and other media must state that the ski area is located in a National Forest.

f. Short-Term Competitive or Recreation Events. Authorized officers may approve outdoor advertising posted for periods of 21 days or less for competitive or recreation events such as ski and snowboard races. Advertising materials may be placed only at the event site and must be removed as soon as practicable after the event. Companies associated with the event may display their name and logo on personal and company vehicles operated in the permit area during the period outdoor advertising is approved for the event.

g. Designated Ski and Snowboard Race Courses and Terrain Parks. Entities such as the National Standard Race Program that provide financial or in-kind support for snow sport race courses and terrain parks with clearly defined start and finish points may be recognized at the start and finish points of the courses and parks and on race gates throughout the winter operating season. Advertising shall not be posted elsewhere at these sites. Snow sport race courses and terrain parks must be identified in a master development plan or an operating plan approved by the authorized officer.

h. Manufacturer's Name. The manufacturer's name may be displayed in a product, such as a ropeway, in the permit area, provided that the manufacturer's name is embedded in the product as part of the manufacturing process. The manufacturer's name may not be posted on products in outdoor spaces in the permit area.

12. Sponsorships. Sponsorships at concession sites should support events, projects, and programs that promote public participation in or awareness of management of National Forest System lands, such as events, projects, or programs that evaluate solutions to specific natural resource management problems, increase conservation awareness, or promote public health or safety. Use sponsorships to promote conservation education and outdoor environmental program objectives (FSM 1623.02 and 1624.02). Sponsorships may not be used to defray the cost of facilities and services authorized by a permit or to provide facilities or activities to respond to evolving customer preferences. Trail map bulletin boards, directional signing, and similar outdoor posted information are basic elements of a holder's operations and are not appropriate for sponsorship recognition.

Sponsored events, projects, and programs must have prior written approval from the Authorized Officer and must include a plan that describes the event, project, or

program; its duration, objective, outcome, and target audience; and communication or marketing strategies for the event, project, or program. Exhibit 01 is an example of a sponsorship plan.

13. Clearly define the holders' responsibilities for the safety of their employees and the public within the boundaries of the authorization and while participating in activities covered by the authorization. Require that safety be addressed in applications responding to prospectus offerings, special use authorizations, and operating plans.

14. Ensure that literature, brochures, and other advertising that permit holders distribute, with respect to a concession enterprise, do not contain misleading statements or indicate that discrimination is practiced against any prospective patron because of race, color, sex, national origin, age or disability. Also ensure that such literature identifies the facility as being authorized on National Forest System land.

Forest Service Manual 2300 – Recreation, Wilderness, and Related Resource Management
Chapter 2340 – Privately Provided Recreation Opportunities
Amendment: 2300-2023-1
Effective date: October 18, 2023
2343.03 - Exhibit 01

Sponsorship Plan for an Avalanche Beacon Training Area at XYZ Ski Area

Background

XYZ Ski Area proposes installation of an avalanche beacon and backcountry safety training area on National Forest System lands. Backcountry areas adjacent to the ski area offer extensive opportunities for skiing and snowboarding, but avalanches are a serious concern on these slopes. To prepare those who leave ski area boundaries and travel in the backcountry, two companies—Backcountry AccessTM and Tracker DTSTM - have agreed to lend financial support to the ski area to construct an avalanche beacon and backcountry safety training area.

Description of Sponsorship

The sponsorship would enable installation of a 0.5-acre training area near the base terminal of the main ropeway and parking lot. This location would allow both skiers at the mountain and those using the backcountry by other means to test their avalanche transceiver equipment and their skills in a managed course, which would have five permanently buried beacons. In addition, interpretive displays and several signs containing avalanche awareness and safe winter travel information would be installed at the site. The support provided by the two companies would be recognized by including their name and trademark on the signs and in the displays and free brochure that would be available at the course.

Duration

The interpretive displays and accompanying sponsorship signage would be posted at the ski area for at least 5 years.

Objectives

Consistent with FSM 2343.03, paragraph 12, the purpose of this sponsorship is to promote public health and safety by offering winter backcountry users an opportunity to test their avalanche rescue skills and equipment in a controlled situation and in a place where other safety information would be made available.

Outcome

The anticipated outcome of this sponsorship would be that skiers and snowboarders using the backcountry would be more aware of and better prepared to address avalanche hazards.

Forest Service Manual 2300 – Recreation, Wilderness, and Related Resource Management
Chapter 2340 – Privately Provided Recreation Opportunities
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Effective date: October 18, 2023
2343.03 - Exhibit 01- Continued

Target Audience

The target audience is winter backcountry users, including those using XYZ Ski Area and those who drive to other locations in the area.

Communication and Marketing Strategies

Backcountry AccessTM and Tracker DTSTM would be identified as sponsors on information displays in the beacon training area and in the brochure that would be available at the site. The recognition would be limited to acknowledgment of the sponsors' public service initiative and their names and trademarks. No reference to the companies' products or services or other promotional material would be included in the recognition.

Recognition of the sponsors may be posted at no larger than pedestrian scale and should be consistent with the principles of the Forest Service Built Environment Image Guide. The Forest Service shield and any other symbol identified with the Agency shall not appear in conjunction with product or service names and advertisements, and care must be taken to avoid any appearance of Agency endorsement of the sponsor or their products or services. Recognition of sponsors is also subject to the following limitations:

1. Duration and Location of Recognition. Sponsor recognition may be allowed only during and within the proximity of the event, project, or program. To the extent practicable, recognition must be integrated into the event, project, or program so that participants and spectators can make a clear connection between the sponsor and the public service being provided.
2. Scope of the Recognition. Sponsor recognition in signs, printed and electronic media, wayside and kiosk exhibits, and temporary facilities must be limited to acknowledgment of the sponsor's public service initiative and may include only the sponsor's name and trademark. Taglines and other promotional materials may not be posted. The purpose of recognition is to identify the sponsor, not to promote the sponsor's products or services.
3. Events. Recognition of sponsors of events that are conducted by the holder, such as festivals, clean-up days, and volunteer programs, may appear on banners, posters, flyers, and temporary facilities and may include sponsors' name and trademark. This type of recognition may be placed only at the event site and must be removed as soon as practicable after the event.

2343.1 - Ski Areas

This category includes sites provided and developed on National Forest System lands under a special use permit and authorized as a ski area (36 CFR 251.51) to accommodate alpine and Nordic skiing, other snow sports, and additional seasonal and year-round natural resource-based recreation activities. For additional direction pertaining to winter recreation uses, see FSM 2703, 2710, and 2721.61, Special Uses Management; FSH 2709.11, chapter 10, Application and Authorization Processing; FSH 2709.14, chapter 60, Winter Recreation Resorts and other Concessions Involving Winter Sports; FSM 7320, Aerial Tramways, Aerial and Surface Lifts, Tows, Conveyors and Funiculars (hereinafter “ropeways”); and FSM 7330, Natural Resource Based Recreational Facilities. Manage winter recreation sites through application of direction and guidance in FSM 2343.11 through 2343.14.

2343.11 - Policy

1. Work with holders to ensure that ski areas provide a high-quality recreation experience and that recreation activities at ski areas are conducted in a manner that protects the natural environment and cultural resources and enhances community values.
2. Ensure that the primary recreation purpose of ski areas is skiing and other snow sports (36 CFR 251.51). Do not authorize new ski areas if the primary purpose will be other than snow sports. Any expansion of a ski area permit boundary must be based solely on needs related to snow sports. Do not approve additional seasonal or year-round natural resource-based recreation activities and associated facilities at ski areas if they would change the primary purpose of the ski area to other than snow sports.
3. Encourage additional seasonal or year-round recreation opportunities that connect visitors to the natural environment that may range from active to passive recreation, natural and cultural resource interpretation and conservation education supporting the Forest Service’s mission to sustain the health, diversity, and productivity of the National Forests and Grasslands to meet the needs of present and future generations.
4. Allow holders to charge fees for the use of improvements and services in which they have made capital investments, such as skiing trails or other facilities they constructed, groom, or otherwise maintain. Do not allow holders to charge for the use of National Forest System lands in which they have made limited or no investments. Holders may not charge for use of non-motorized or motorized trails that are constructed and maintained by the Forest Service.

5. Do not allow a holder to charge an entrance fee. Allow permit holders to charge a fee for the facilities and services they offer, such as ropeways, plowed parking lots, groomed slopes and trails, and manmade snow. Authorized officers should strive to ensure that, to the extent possible based on public safety considerations, some portions of the permit area remain open to the public without charge, so that the holder's charges do not constitute de facto entrance fees.
6. Ensure that holder operations comply with Forest Service regulations (36 CFR 251.55(b)) and permit terms and conditions for non-exclusive use and that the ski area remains open to the non-paying public for all lawful uses that are not inconsistent with the holder's rights and privileges and public safety. Document in the operating plan authorized restrictions on use by the non-paying public and require the holder to post these restrictions in locations where they would be effective in informing the public, for example, on the ski area's website and on site at a primary entrance or public information facility. In most cases, it would not be appropriate for restrictions to preclude all public use during the ski season other than by those purchasing a lift ticket or paying for other services.
7. Encourage private ownership of Nordic skiing operations that involve substantial improvements on National Forest System lands. See FSM 2721.61e for direction on authorizing Nordic skiing in various situations.
8. Plan for the development of buildings such as day lodges, restaurants, and other occupied structures so they are not exposed to frequent and extensive or severe avalanche activity.
9. Discourage development and use of new terrain that requires military weapons for avalanche control.

2343.12 - Avalanche Mitigation

1. Authorize avalanche mitigation under a special use authorization that contains clause B-29 in FSH 2709.11, Chapter 50, section 52.2 (hereinafter "clause B-29"), consistent with FSM 2719. Issue a separate special use authorization for avalanche mitigation when the affected area is located outside the ski area permit boundary. Avalanche mitigation, including the use of military artillery, if applicable, should be addressed in ski area operating plans. Detailed plans for snow safety should be developed and retained at ski areas and should be available for Forest Service review upon request.
2. Except as provided in paragraph 3 of this section, require holders to do all avalanche mitigation work at ski areas.
3. Consistent with clause B-29 and the current Master Interagency Agreement between

the Forest Service and the Assistant Secretary of the Army (Acquisition, Logistics and Technology) for the Forest Service's national Avalanche Mitigation Program (AMP), maintain the security of weapons and ammunition assigned to the Forest Service for the AMP. Consistent with the requirements of U.S. Army regulations (AR 700-131, ch. 8) and the National Firearms Act (26 U.S.C. 5841), provide a level of oversight and supervision of the AMP that assures weapons and ammunition are in Forest Service possession and control.

4. Consistent with the Master Interagency Agreement for the AMP, ensure that all AMP personnel have received training for their respective duties using protocols established by the Avalanche Artillery Users of North America Committee (AAUNAC). Consistent with FSM 2719, ensure that artillery program managers have taken AgLearn Course FS2700-301, Authorizing Explosives for Special Uses, or a successor course.
5. In consultation with the Department of the Army and AAUNAC, the Deputy Chief for the National Forest System is responsible for determining whether permit holders may participate in the AMP. The Director of the Forest Service National Avalanche Center is responsible for coordination of the AMP nationally. The Authorized Officer is responsible for assuring compliance with the requirements of paragraphs 1 through 4 of this section at individual ski areas.
6. Forest Service participation in the AMP at ski areas is authorized under Section 5 of the Granger-Thye Act (16 U.S.C. 572). Require collection agreements (FSM 1584) to cover all costs incurred by the Forest Service in connection with participation in the AMP at ski areas.

2343.13 - Operating Plans

1. Operating plans must specify the holder's duties and assign responsibility for public safety to the holder (FSM 2341.4). Operating plans must be consistent with clause III.A in the Ski Area Term Permit, form FS-2700-5b. When non-winter operations are extensive, consider also requiring a summer operating plan.
2. Before approving an operating plan, require documentation that the holder can provide sufficient personnel, equipment, and facilities for rescue, first aid, transportation of injured persons, and required maintenance of ropeways and natural resource-based recreational facilities.
3. Ensure that ski area operating plans require the holder to patrol ski trails and slopes, provide first aid, sign ski trails by level of difficulty, sign skiing boundaries and identify and eliminate or mitigate known hazards.

2343.14 - Additional Seasonal and Year-Round Recreation at Ski Areas

1. Apply the following additional criteria in initial screening of proposals for additional seasonal or year-round recreation activities and associated facilities (36 CFR 251.54(e)(1) and FSH 2709.11, sec. 12.2). These activities and associated facilities must:
 - a. Not change the primary purpose of the ski area to other than snow sports;
 - b. Encourage outdoor recreation and enjoyment of nature and provide natural resource-based recreation opportunities;
 - c. To the extent practicable, be located within the portions of the ski area that are developed or that will be developed pursuant to the master development plan;
 - d. Not exceed the level of development for snow sports and be consistent with the zoning established in the applicable master development plan;
 - e. To the extent practicable, harmonize with the natural environment of the site where they would be located by:
 - (1) Being visually consistent with or subordinate to the ski area's existing facilities, vegetation and landscape and
 - (2) Not requiring significant modifications to topography to facilitate construction or operations;
 - f. Not compromise snow sports operations or functions; and
 - g. Increase utilization of snow sports facilities and not require extensive new support facilities, such as parking lots, restaurants, and ropeways.
2. Additional seasonal or year-round recreation activities and associated facilities that may meet the criteria in FSM 2343.14, paragraph 1, include but are not limited to:
 - a. Zip lines;
 - b. Mountain bike terrain parks and trails;
 - c. Disc golf courses; and
 - d. Ropes courses.
3. Additional seasonal or year-round recreation activities and associated facilities that

may not be authorized include but are not limited to:

- a. Tennis courts;
 - b. Water slides and water parks;
 - c. Swimming pools;
 - d. Golf courses; and
 - e. Amusement parks.
4. Factors that may affect whether other additional seasonal or year-round recreation activities and associated facilities besides those listed in paragraph 2 may be approved under paragraph 1 of this section include but are not limited to the degree to which visitors are able to engage with the natural setting, the extent to which the activities and facilities could be expected to lead to exploration and enjoyment of other NFS lands, and the similarity of the activities and associated facilities to those enumerated in paragraph 2 or paragraph 3 of this section.
5. Do not approve additional seasonal or year-round recreation activities and associated facilities when the visitor's experience is not interdependent with attributes common in National Forest settings.
6. Allow temporary activities that rely on existing facilities, such as concerts or weddings, even if they are not necessarily interdependent with a National Forest setting, provided they are enhanced by it. Do not authorize new permanent facilities solely for these activities.
7. Encourage holders to utilize existing facilities to provide additional seasonal or year-round recreation activities.
8. Use ski area master development plans to guide the placement and design of additional seasonal or year-round recreation facilities. As part of the master development planning process, follow these steps in this sequence:
 - a. Establish zones to guide placement and design of additional seasonal or year-round recreation facilities, basing the zones on the existing natural setting and level of development to support snow sports;
 - b. Depict the general location of the facilities; and
 - c. Establish an estimated timeframe for their construction.

9. Utilize the Scenery Management System (FSM 2380), Built Environment Image Guide (Publication FS-710), and the Recreation Opportunity Spectrum (FSM 2310) to ensure that additional seasonal or year-round recreation activities and associated facilities are located and constructed to harmonize with the surrounding natural environment.
10. Authorization of additional seasonal or year-round recreation activities and associated facilities is subject to terms and conditions deemed appropriate by the authorized officer.
11. The acreage necessary for additional seasonal or year-round recreation activities and associated facilities may not be considered in determining the acreage encompassed by a ski area permit. Permit area expansions must be based on needs related to snow sports rather than additional seasonal or year-round recreation.
12. Additional seasonal or year-round recreation activities and associated facilities that were authorized before November 7, 2011, and that do not meet the criteria in paragraphs 1 through 11 of this section may continue to be authorized during the term of the current permit. When that permit terminates or is revoked, do not reauthorize additional seasonal or year-round recreation activities and associated facilities that do not conform to paragraphs 1 through 11 of this section.
13. Notwithstanding FSM 2340.3, paragraph 3, and 2343.03, paragraph 1, a proposal that complies with paragraphs 1 through 12 of this section may be approved.

2343.2 - Marinas

This category includes facilities and services to accommodate the boating public at lakes, streams, and reservoirs on National Forest System land.

1. Allow holders to provide services needed by the public, including boat rentals, boat moorage, fuel and mechanic services, food services, grocery, bait, and sporting goods services.
2. Locate swimming sites and marina operations in such a way as to provide separation between the two types of uses and avoid conflicts.

2343.3 - Lodging and Overnight Accommodations

This category includes sites and facilities such as lodges, hotels, motels, campgrounds, trailer courts and camps, and commercial group camps. In addition to the general policies in section 2340.3, the following policy applies to lodging and overnight accommodations.

1. Authorize provision of lodging accommodations on National Forest System land only

where there is a public need for the facilities and where there is no suitable private land for such facilities within a reasonable distance.

2. Require operation, management, and marketing of lodging and overnight accommodations in a manner that ensures the general public has full access to the facilities. Deny exclusive or preferential use by holders, their employees, families, friends, business associates, partners, stockholders, lenders, or others who may have a monetary interest in the facilities.
3. Require holders to establish guest stay limits of 30 days or less to ensure the continuing availability of facilities for public use and to ensure no personal, private, or preferential use of authorized facilities, including trailer sites, overnight houseboat mooring accommodations, and campsites.

2343.4 - Restaurants, Cafes, and Other Food Services

1. Authorize concessioners to provide food services at dining rooms, coffee shops, lunch counters, and temporary, quick-lunch counters that are a part of a resort operation.
2. Authorize concessioners to provide restaurant, cafe, or other food service facilities as separate enterprises only where there is an overriding public need for such facilities.
3. Disapprove applications to sell prepared or packaged food in Forest Service campgrounds and picnic grounds.

2343.5 - Stores, Shops, and Vendors

This category includes general stores that are separate enterprises, shops authorized in conjunction with resorts, and mobile concessions (vendors) that provide the same basic services as a store but do not require fixed facilities or locations.

1. Allow concessioners to construct and operate, as separate enterprises, general stores that provide basic food supplies, camping and sporting goods, basic clothing, and other necessities only where there is a demonstrated public need and suitable private land is not available.
2. As an adjunct to resorts, allow shops that provide clothing and equipment used in the primary recreation activity at the resort.
3. Specify in the prospectus and authorization the general types of merchandise concessioners may provide.

4. Allow vendors to operate on National Forest System land only where there is a public need for store services and a permanent store is desirable but cannot be provided.
5. Allow vendors to furnish items that a store would be authorized to sell under similar circumstances.
6. Authorize vendors to provide needed commodities, such as firewood, in Forest Service campgrounds only where they are not reasonably available at nearby resorts or concessions, or at businesses on nearby private land.
7. Do not allow vendors to occupy developed sites overnight or to otherwise interfere with public use or traffic.
8. Specify in the special use authorization the type of merchandise and services that vendors may provide and any necessary restrictions on the use.

2343.6 - Service Stations

This category includes businesses that provide automotive services such as gasoline, oil, and other products and basic mechanic services.

1. Authorize service stations only as a part of a resort development.
2. Allow service station permit holders to use the standard company pumps with standard markings. Where needed, allow gasoline brand names to be used on approved entrance approach signs, but no other advertising signs.
3. Require holders to obtain entrance permits from and to comply with all requirements of the agency responsible for management of the road or highway.

2343.7 - Rental Services

This category includes services provided as an adjunct to other resort-type development, such as ski, boat, trailer, and bicycle rentals and livery services. It also includes the provision of trailer and recreation vehicle sites at summer or winter resorts.

1. Allow location of rental facilities only where they do not conflict with higher public uses.
2. Permit rental services as a separate use only if other existing concession operations are unable to furnish the needed service.

3. Disapprove requests by operators of trailer rental services to locate trailers in campgrounds prior to the arrival of the renter.
4. Require concessioners who rent trailers for use in concession or National Forest System campgrounds to return the trailers to the holder's site until rented by the next customer.

2343.71 - Trailer and Recreation Vehicle Sites

1. Allow development of recreation vehicle space with attachments for sewage disposal, domestic water, and electric power only when there is a public need and the facilities cannot be developed on nearby private land.
2. Do not allow development of recreation vehicle space with convenience accommodations in choice locations, to the exclusion of free trailer parking under more primitive conditions, unless comparable space is available without charge in the same vicinity.
3. Require stay limits for concession recreation vehicle spaces. Deny requests to rent spaces to patrons for more than a month.
4. Require clauses in the special use authorization that ensure that concession recreation vehicle spaces are managed for the use and convenience of temporary visitors.
5. Allow storage of trailers or other recreation vehicles on National Forest System land only at sites remote from communities or available private land.

2343.8 - Outfitters and Guides

This category includes services, equipment, and, in some cases, rudimentary facilities provided by private sector holders to the recreating public. Examples of outfitting and guiding are packing, hunting, float trips, canoe or horse liveries, ski touring, helicopter skiing, jeep tours, and fishing. Ensure that operating plans for permits authorizing winter backcountry recreation services, such as helicopter skiing, assign responsibility for public safety to the holder.

See FSM 2721.53 and FSH 2709.14, section 53 for direction relating to issuance and administration of permits for outfitting and guiding activities.

2343.9 - Other Concession Uses

This category includes concessions such as caves and caverns, ropeways, target ranges, and bathhouses and beaches.

1. When appropriate, allow beaches and bathhouses to be constructed and managed as concession facilities but ensure that any structures are screened from lakes or streams.
2. Allow development of caves and caverns by concessioners where there is a significant interest indicated by the public and the Forest Service is not prepared to initiate the operation.
3. Allow construction of ropeways, not associated with winter recreation sites, only after careful review of the public need for the ropeway, the proponents' financial capability to provide the needed service, a cash-flow analysis indicating how the facility will generate revenue, and a demonstrated link to the natural resource attractions of the area. Refer to FSM 2721.39 Ropeways (Aerial Tramway, Aerial and Surface Lifts, Tows, Conveyors and Funiculars) for direction related to administration of permits for ropeways provided for recreational purposes other than for primarily winter recreation. Refer to section FSM 2721.62 Ropeway, for direction on administration of permits for ropeway operations associated primarily with winter recreation uses. And refer to FSM 2727.7 Cableway and Conveyor, for direction related administration of permits for ropeways for purposes other than recreation, such as mining or other industrial activities.
4. Allow target ranges on National Forest System lands where such uses and facilities would be consistent with the standards and guidelines in the applicable Forest land and resource management plan and would enhance forest management by improving public safety, providing recreational opportunities or consolidating dispersed target shooting. When State and local governments submit proposals or applications for target ranges, consider land exchange to enhance long-term management of the activity.

See FSM 2335.4 and 2721.46, and FSH 2709.14, section 71, for further direction on requirements related to target ranges, including the process for special use authorizations, National Environmental Policy Act (NEPA) analysis and documentation, the environmental stewardship plan, and the safety plan.

2344 - Concession Uses Involving Government-Owned Improvements

This use involves private sector operation of Government-owned improvements to provide recreation services needed by the public.

2344.03 - Policy

Manage concession uses of Government-owned improvements through the application of the following general policies and those policies listed under specific types of uses.

1. Authorize the operation of Government-owned improvements under the Granger-Thye (GT) Act (FSM 2701).
2. Require holders to operate and maintain the facilities and provide the services as specified in the prospectus, the special-use authorization, the GT fee-offset agreement, and the operation and maintenance plan.
3. Award concession operation of Government-owned improvements on a competitive basis through a prospectus and invitation to bid process. Competitively readvertise the business opportunity upon expiration of the permit.
4. Make major capital improvement additions or changes to Government-owned improvements or sites with Forest Service appropriated funds or authorize holders at their expense to make such improvements conditioned on the agreement that the improvements and their value will accrue to the ownership and benefit of the United States. Do not authorize or perform improvement work unless such changes are in accordance with approved land and resource management plans.
5. Allow minor improvements to Government-owned improvements and sites only if approved as part of the GT fee offset agreement.

2344.1 - Selection Criteria for Competitive Bid Process

As a minimum, use the following criteria in selecting concessioners on a competitive bid basis:

1. Proposed Operating Plan Provisions. Assess the quality and quantity of required and optional services.
2. Business Plan and Business Experience. Assess whether the business plan utilizes realistic costs for providing proposed services and has realistic revenue projections. Assess the applicant's experience in managing recreation ventures or similar businesses and the applicant's experience in dealing with the public.
3. Financial Resources. Assess the applicant's financial capability to operate the concession in the manner prescribed. Utilize form FS-6500-25, Request for Verification in making this assessment. Complete a financial ability determination for the selected applicant only.
4. Fee to the Government. Assess the benefit to the Government of Granger-Thye fee-offset work to be completed or the fee to the United States. Base the evaluation on an established minimum bid supported by an economic cash-flow analysis.

5. Fees Charged to the Public. Compare the pricing structure proposed to the services to be provided to determine whether the proposal will provide a good value to the public.

2344.2 - Special Use Authorization

Ensure that the following topics are clearly addressed in the special use authorization:

1. Specify that the privilege to operate Government-owned facilities reserves to the Forest Service the right to regulate the operation as necessary to fully protect the public interest.
2. Identify the holder's operation and maintenance responsibilities in the operating plan. Require that concessioners be responsible for the holder's maintenance and reconditioning of facilities as described in the permit and operating plan. Specify whether concessioners or the Forest Service are responsible for Government maintenance and reconditioning in the GT-fee offset agreement.
3. Require property insurance in the amount that the facilities are likely to be damaged or destroyed at one time. Require that insurance policies name the United States as additionally insured.
4. Require performance bonds, if necessary, to protect the public interest.
5. Clearly identify boundaries of special use areas and do not allow concessioners to use or occupy National Forest System lands outside the boundary unless such use is approved in a permit amendment or separate special use authorization.
6. Limit a Concessioner's responsibility for performing unforeseen major repairs or replacement of facilities, such as a complex sewer or water system, to a specific amount per occurrence. This limitation shall not include insurable events such as natural disasters or events attributed to actions on the part of the holder.

2344.3 - Campgrounds and Related Granger-Thye Concessions

This category involves Concessioner operation of Government-owned improvements, such as campgrounds, swimming sites, and other day-use facilities, for which the Land and Water Conservation Fund Act (L&WCF) allows the charging of fees.

2344.31 - Policy

1. Require holders to honor Golden Age and Golden Access Passports by allowing the card-holders a 50-percent reduction in camping fees.

2. Encourage concessioners to charge the public on a per-unit basis in order to maintain a comparable fee structure with other National Forest System campgrounds as outlined under the L&WCF program (FSM 2332.24).
3. Authorize concessioners to charge for use only if the Forest Service could charge under the authority of the L&WCF Act if the Forest Service operates the facility. This includes picnic facilities, boat ramps, and swimming sites where the Forest Service did not charge prior to concession operations.
4. Specify in the prospectus that applicants describe in detail in their proposal how they plan to handle all aspects of law enforcement and associated training.
5. Issue new permits for a term up to 5 years, with an option to extend the term for up to 5 years based on sustained satisfactory performance. The Authorized Officer has the discretion to authorize shorter terms to accommodate future management needs and decisions, such as site rehabilitation, anticipated changes in the applicable land and resource management plan, and modifications to the campground concession program.

Identify the holder's operation responsibilities, including the holder's obligations to: provide a designated representative on or near the site to take action in the Concessioner's behalf; maintain and administer the site to the Recreation Opportunity Spectrum (ROS) class and development scale specified in the prospectus and special use permit; maintain and not change the number of units, facilities, and type of experience or services provided; and administer the permit themselves and not reassign, transfer, or sub-permit the authorized operations.

6. Identify holder maintenance responsibilities in campground concession prospectuses and operating plans. Require holders to be responsible for government and holder maintenance, reconditioning, renovation, and improvement of facilities per the campground concession permit and corresponding Granger-Thye fee-offset agreement. The holder may make improvements, such as replacing vault toilets with flush facilities, paving interior roads, upgrading facilities and installing utilities when these improvements are approved as part of the Granger-Thye fee-offset agreement.
7. Do not accept interim operation and maintenance responsibilities or partial responsibilities for tasks such as visitor protection or operation and maintenance of utility systems. In isolated cases, such as when a utility system services more than one permitted facility, the Forest Service may retain maintenance responsibility and charge the holder prorated costs.
8. Unless otherwise provided by the National Recreation Reservation Service (NRRS) contract, ensure that holders of campground concession permits use the NRRS for all reservation services for their campground concessions. When reservation services

will be required, include that requirement in the prospectus and permit (see FSH 2709.11, section 52.8, clause X-23), and provide a copy of the NRRS Operating Procedures Manual to the holder. When participating in the NRRS, the following requirements apply:

- a. At least 60 percent of the campsites in a campground must be reservable,
- b. The minimum booking window must be 0 to 4 days, that is, campsites must be reservable on the date of arrival or up to 4 days in advance of arrival, and
- c. The NRRS Operating Procedures Manual must be incorporated as an appendix to the annual operating plan.

2344.32 - Responsibility

1. Regional Foresters are responsible for reviewing prospectuses before issuance of authorizations by the Forest Supervisor.
2. Forest Supervisors are responsible for selecting sites, issuing prospectuses and authorizations, and providing qualified Forest Officers to administer the authorizations.

2344.33 - Selecting Concession Campground Sites

1. Before issuing a prospectus, prepare an economic cash-flow analysis for each site to determine the feasibility of the Concessioner's operation. Consider the Forest Service costs, including indirect and overhead costs, as a part of the analysis.
2. Select sites that would project a net benefit to the Forest Service and the U.S. Treasury.
3. As a general rule, select only Development Scale 3, 4, or 5 sites for concession operation (FSM 2330.3, ex. 01). Analyze all Development Scale 4 and 5 sites for possible concession operation.
4. Select sites only if the facilities are in good maintenance condition.
5. In selecting sites, consider location and cooperation of local law enforcement agencies, conflicting user groups, past history of public use, and ease of site administration.
6. Do not include sites that need major new construction or rehabilitation work until

the work is completed.

7. Select sites that do not conflict with other existing permittee programs or recreation uses, so that more than one permittee does not occupy the same general area or site, even if they provide different services.

2345 - Privately Owned Improvements Authorized for Groups

This use of National Forest System lands usually involves the development of camps by non-profit organizations, institutions, or other governmental agencies to provide recreational facilities and services to the public. Direction for the management of this use is found in section 2340, FSM 2721.1; FSH 2709.11, chapter 30; and FSH 2709.14, chapter 10.

2347 - Noncommercial, Privately Owned Improvements Authorized to Individuals

This section sets forth direction for special use authorizations for privately built and owned structures on National Forest System land. These structures are maintained for the use and enjoyment of holders and their guests. As recreation facilities, they are vacation sites and may not be used on a permanent basis (FSM 2721.2 and FSH 2709.14, chapter 20).

2347.03 - Policy

1. Manage noncommercial recreation use sites in accordance with basic recreation policy in FSM 2303 as valid and important components of the overall National Forest System recreation program.
2. Continue to authorize those existing facilities now occupying National Forest System land under special use authorization that:
 - a. Are consistent with management direction given in the Forest land and resource management plan (FSM 2721.23e),
 - b. Are at locations where the need for an alternative public purpose has not been established,
 - c. Do not constitute a material, uncorrectable offsite hazard to National Forest System resources, and
 - d. Do not endanger the health or safety of the holder or the public.
3. Manage noncommercial recreation use sites in such a way that the general public

is not precluded from full enjoyment of the natural, scenic, recreational, and other aspects of the National Forest System (FSM 2701).

4. Deny applications for construction of new facilities except where they would replace similar existing facilities.
5. Deny any proposal for commercial activity at permitted, non-commercial recreation use sites.
6. Require noncommercial recreation use holders to maintain their sites to protect the natural forest environment. Do not allow construction or placement of non-authorized facilities on these sites.

2347.1 - Recreation Residences

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 must 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. (For further direction, see FSM 2721.23 and FSH 2709.11, sec. 33 and FSH 2709.14, sec. 23.)

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 2721.23a.
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 non-compliance per FSM 2721.23i). 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 2709.14, section 23.4.

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).

2347.11 - Preventing Unauthorized Residential Use

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

2347.12 - Caretaker Cabins

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.

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 must not be greater than the fee charged for the use of the lot as a recreation residence. That fee must be determined as follows:

1. The fee for a caretaker cabin located on a lot within a recreation residence tract must 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 must be equal to the annual fee being assessed for one 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.

2347.2 - Private Clubs

This category includes camps or other facilities developed for the use and enjoyment of members of a club, group, or organization. Such facilities are not available to the general public. Examples of this type of use may be alumni association ski lodges, organization camps that provide facilities and services only to organization members, and ski areas where only ski club members may ski.

1. Issue no new authorizations for private-club type uses. Reserve property with high outdoor recreation resource values for future use by the general public.
2. Where conflict exists between currently permitted private club use and the recreation needs of the general public, always consider the public's needs first.
3. As opportunity presents, phase out private-club use unless Forest plans indicate there will be no public need for the land involved. If this is the case, consider exchanging out of the land.
4. Where holder organizations have allowed individual members to construct cabins or erect other lodging accommodations and this use has been approved in writing by the Forest Service, continue to allow the use until the term of the current permit expires. Upon expiration of the term permit, require holders to either remove the personal-use facilities or convert ownership and control to the holder organization rather than individual members.

2347.3 - Houseboats

This category includes any craft that is suitable for recreation occupancy.

1. Issue no new authorizations for private recreation houseboats on Forest Service-managed bodies of water.
2. Where studies indicate that existing houseboat authorizations already exceed comfortable carrying capacities, take action to reduce numbers as holders sell their boats.
3. Require houseboats to meet Federal, State, and county water quality standards. Terminate authorizations for houseboats whose design would allow dumping of sewage or waste water into lakes or streams.
4. Deny overnight mooring of houseboats where they would be adjacent to recreation residences sites, organization camps, campgrounds, resorts, or

public beaches, or would be in heavily fished areas.

2347.4 - Boat Docks and Wharves

This category includes improvements that serve groups of boaters, such as boathouses, docks, wharves, slips, launching ramps, and piers. (See also FSM 2720 for direction on non-recreation special uses.)

1. Deny new uses of this type if there is any chance that they would interfere with public access to National Forest System land or water.
2. Authorize uses in this category as term permits under the Act of 1915 only when substantial investment is made (FSM 2720.1).
3. Consolidate existing permits where possible and issue to a recreation association or similar organization.
4. Where existing facilities limit public access to National Forest System land or water, phase out the use as opportunities arise.

2347.5 - Shelters

This category includes trail shelters, waiting sheds, and other minimal structures, constructed to provide rudimentary comfort for backcountry users of the National Forest System lands. (See also FSM 2720 for non-recreation special uses.)

1. Allow current use of shelters to continue as long as it does not interfere with use of National Forest System land by the general public.
2. Deny new applications for shelters that accommodate private use of National Forest System lands by individuals or groups.

2347.6 - Private Lodging

This category includes private accommodations such as condominiums, condo-hotels, and time-share camps, hotels, and motels. (See also FSM 2720 for direction on non-recreation special uses.)

1. Allow cooperative or condominium financing of overnight accommodations only when units will be operated on a fully public basis, available for rental to the general public.
2. Submit all proposals for cooperative or condominium financing of overnight accommodations to the Chief for review.

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Chapter 2340 – Privately Provided Recreation Opportunities

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3. Issue permits for cooperative or condominium-financed lodging to a single permittee-operator entity, rather than to individual investors.
4. Require Permittees to exercise effective ownership and operational control of the structures through leaseback, lease, or other formal agreement.
5. On an opportunity basis, convert all cooperative or condominium permits to fully public use.
6. Require Permittees to establish reservation systems that guarantee access to condominium units by the general public and do not allow investor-owners to make a reservation more than 2 months in advance of any given period of occupancy.
7. Make no commitments to individual investors in the event of dissolution of the permittee through transfer, bankruptcy, foreclosure, or other legal proceeding.