



## FOREST SERVICE MANUAL ALASKA REGION (REGION 10) JUNEAU, ALASKA

### FSM 2700 – SPECIAL USES MANAGEMENT

#### CHAPTER 2720 – SPECIAL USES ADMINISTRATION

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**Posting Instructions:** Supplements are numbered consecutively by title number and calendar year. Post by document; remove the entire document and replace it with this supplement. Retain this transmittal as the first page(s) of this document. The last supplement to this title was R-10 Supplement 2700-2006-3 to chapter 2790.

<b>New Document</b>	2720	6 Pages
<b>Superseded Document(s) by Issuance Number and Effective Date</b>	2720 (2700-2003-3, 9/19/2003)	8 Pages

Digest:

2722.16: Moves guidance and special use clause to FSH 2709.11, chapter 50, R10-A101 – *Nonprofit Fish Hatchery Fees*.

2725.51: Correct caption to read: Still Photography to conform to parent text.

2725.52: Corrects caption to read: Commercial Filming to conform to parent text.

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### **2720.1 – Authority**

Throughout the history of the National Forests in Alaska, small monuments and crosses have occasionally been placed on the National Forest to commemorate those who have lost their lives in various incidents and vessel sinkings. For vessels lost at sea, these small markers were sometimes placed at prominent points along the shore when the precise location of the vessel sinking was not known.

Traditionally, these markers have been small, unobtrusive, and assembled with native materials such as driftwood and stone, such that the elements of nature made their duration short-lived. As such, these memorials have not been a land or resource management concern. Recently, however, large, permanent memorials have been erected on National Forest System lands in Alaska where they are highly visible, and where they have become a permanent encumbrance on the public's land. The placement of large, permanent structures creates visual resource management impacts, and has the potential of creating conflicts with other land and resource management objectives. The trend for families and friends to erect these large, permanent markers has generated a need for a management response to preclude these impacts and user conflicts.

### **2720.3 – Policy**

For direction on public monuments and other similar uses, consult FSM 2723.31 - Marker, or FSM 2723.32 - Memorial. National policy is firm in prohibiting placement of private, personal monument markers. The National policy has recognized traditional practices in Alaska and allows the Alaska Region some latitude for small, biodegradable, temporary, and unobtrusive memorials. The intent of the Alaska Region policy is to establish a flexible and equitable Regional policy concerning the placement of structures on National Forest System lands that mark or memorialize events or incidents that have resulted in the loss of life.

In Alaska, families or friends will visit with the District Ranger prior to placing a small, temporary and unobtrusive memorial. A single, small, private memorial may be erected on National Forest System lands in memory of a person or a tragic event where one or more people have died at sea near the National Forest or on National Forest System lands. During discussions about placement of a private memorial, the District Ranger should consider the location, size, permanency, and impact on resources and other forest users. Follow-up such a discussion with a letter outlining the key points of the memorial policy to the proponents.

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Historically, markers or memorials placed on National Forest System lands in Alaska that meet the following standards of size, design, and location have generally not presented a land or resource management concern that may be sanctioned:

1. Size. Not to exceed 4 feet in height and 3 feet in width.
2. Materials. Driftwood, native stone, or other native materials, assembled or held together with biodegradable materials (no mortar, concrete, metal, and so forth).
3. Placement. In areas that make them unobtrusive, and avoid areas of high public use (for example, developed recreation areas, visitor information sites, known historical or archaeological sites, or in proximity to other permitted uses and occupancies, and so forth).

District Rangers shall bring existing or future monuments and memorials into reasonable compliance with this policy. Use the utmost sensitivity in dealing with people on this delicate and often deeply personal matter. Any proposals for, and placement of, personal memorials, monuments, or markers that exceed these standards will not be authorized, and may be removed upon discovery.

### **2720.5 - Definitions**

Biodegradable. Something that is capable of being decomposed by natural biological processes.

Equitable. Something that is just, fair, and impartial.

Native Materials. Something that is present in or produced by nature, or that faithfully represents life or nature.

Sustainable. Something that can be implemented over the long term.

Temporary. Something that is not permanent, that is limited in time or duration. In this context, temporary is approximately 3-5 years or less.

### **2721.5 - Facility Related Services**

#### **2721.53 - Outfitter and Guide Service**

The following commercial air taxi, auto taxi, and boat charter operations involving National Forest System land (as defined in 36 CFR 251.51), improvements, or resources, require authorization by a charge special use permit with fees calculated in accordance with FSH 2709.11.

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5. Tours include auto/bus or boat sight-seeing trips and flight-seeing trips that use National Forest System lands, improvements or resources. A tour is round-trip transportation regardless of the number of stops or landings--that is, a trip having the same general starting and ending point--the principal purpose of which is to view National Forest System lands or resources. Throughout the duration of a sight-seeing, flight-seeing, or other tour, including the time that the operator's client(s) is (are) present upon National Forest System lands, improvements or resources, the tour operator or a representative thereof remains within proximity of the client(s), or, if leaving the proximity of the client(s), returns thereto within a one-hour period.

Other attributes of a tour typically include the offering of interpretative services by the tour operator or representative thereof. Fees for tours are usually charged per passenger, rather than per hour of operation or by distance traveled, and are set based upon the presence of a minimum number of passengers per trip. In addition, tours are generally marketed by using the words "tour," "sight-seeing," "flight-seeing" or similar words. However, none of these particular attributes need be present in order for round trip transportation to be deemed a tour.

6. Package Trips include:

- a. Outfitted trips, which provide supplies, equipment, boats, vehicles, and so forth, either loaned or rented, onto National Forest System lands, improvements or resources.
- b. Guided trips that provide customer care, food, shelter, tutorage, interpretation, care of fish and game meat and trophies, or other services besides or in addition to strictly point-to-point transportation commonly included in guiding, on National Forest System lands, improvements or resources.
- c. Non-guided, non-outfitted trips onto National Forest System lands, improvements or resources with fees in excess of competitive point-to-point transportation rates.

The principle purpose of a package trip is to provide or facilitate an outdoor recreation experience on National Forest System lands, improvements or resources. Package Trips are typically, but not necessarily, marketed by using words such as: "fishing," "hunting," "camping," "photography," "rafting," "kayaking," "mountain climbing," "nature education," or other type of outdoor recreation activity.

Strictly point-to-point air, auto/bus, or boat transportation services at competitive fee rates to National Forest System lands, improvements or resources, that is, trips that are not a tour or package trip as defined above, do not require a permit. However, in areas where activities are causing conflicts with National Forest System land-based recreational users, operators must cooperate with the District Ranger in reducing user conflicts.

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Outfitters based off National Forest System land who rent equipment or livestock to the public for use on National Forest System land must obtain a permit if they, their employees, or agents occupy or use National Forest System land or waters in connection with their rental programs. For example, a permit is required if a boat livery operator provides service, including delivery or pickup of boats, at National Forest sites. No permit is necessary if the operator's customers transport the boats to and from the National Forest locations.

## **2722 - AGRICULTURE**

### **2722.1 - Crops**

#### **2722.16 - Fish Hatchery**

On August 14, 1974, the State of Alaska passed legislation authorizing the operation of private, nonprofit salmon hatcheries (AS 16.10.400-470). This use involves the occupancy of National Forest System lands. This program requires close coordination with the State of Alaska. The State must certify the suitability of the water course and issue a permit for the operation of a hatchery. A special use permit will not be issued unless the applicant has a State hatchery permit. Possession of such a permit does not, however, obligate the Forest Service to issue a special use permit as this must be considered with other existing and potential use contracts and permits. See R10 FSH 2709.11, chapter 40, section 42 for information on permit development and administration.

## **2725 - INDUSTRY**

### **2725.5 - Arts**

Special use authorizations are required when activity will take place on National Forest System land. Authorize the use of National Forest System lands for still photography, commercial filming locations only where such uses do not seriously impact Forest land resources or other uses, or do not unreasonably interfere with National Forest management.

#### **2725.51 - Still Photography**

Authorizations are not required when the general public is taking photographs (film or digital) for personal use in areas of the forest open to the public. A special use permit would be required for still photography activities that involve the use of models, sets, or props which are not part of the natural or cultural setting. Permit administration information is found in FSH 2709.11, chapter 40, section 45.5.

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## **2725.52 – Commercial Filming**

A special use permit is required for all commercial filming activities on National Forest System lands, except for the broadcasting of breaking news. Grant authorizations for commercial filming in areas currently under special use authorization only with written concurrence of the holder. Permit administration information is found in FSH 2709.11, chapter 40, section 45.5

1. Authorization Applications. Require the following documentation with application.

- a. Number of people involved on location, whether employees, volunteers, contractors, or other personnel.
- b. A schedule of times, dates, and locations of operators.
- c. All equipment, materials, and/or chemicals to be available on location.
- d. Changes in the natural or cultural condition of the area that can reasonably be expected to result from the production.

2. Other Requirements.

a. Where appropriate, the Authorized Officer shall require liability insurance and/or performance bonds that will protect the public interest.

b. Allow filming in wilderness areas only when:

(1) It is demonstrated that a wilderness setting is required.

(2) No reasonable alternative outside of wilderness exists.

(3) Impacts are negligible.

(4) Restrictions for constructing buildings and other improvements, and any other use of motor vehicles and mechanized equipment in wilderness areas, apply to these activities. (FSM 2326)

3. Fee Schedule. Determine basic fees as provided by FSM 2725.51 and FSM 2725.52 based on the number of people on location. The Authorized Officer may adjust the fees in special circumstances, such as minimum number of people, short or sporadic periods of use. Fees are included in R10 FSH 2709.11, Chapter 30, Alaska Land Use Fee Schedule.