



**FOREST SERVICE MANUAL  
BLACK HILL NATIONAL FOREST (REGION 2)  
CUSTER, SD**

**FSM 2700 – SPECIAL USES MANAGEMENT**

**CHAPTER 20 – SPECIAL USES ADMINISTRATION**

**Supplement No.:** r2\_bh\_2700-2007-1

**Effective Date:** May 25, 2007

**Duration:** This supplement is effective until superseded or removed.

**Approved:** DENNIS L. JAEGER  
Deputy Forest Supervisor

**Date Approved:** May 11, 2007

**Posting Instructions:** Supplements are numbered consecutively by title 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 2700-2005-2 to FSM 2700, Chapter 20

<b>New Document</b>	r2_bh_2700-2007-1	7 Pages
<b>Superseded Document(s) by Issuance Number and Effective Date</b>	BH Supplement 2007-98-1, dated 6/26/98	6 Pages

**Digest: 2723.21** – Rescinds direction on cremation ashes and human remains being scattered on the Black Hills National Forest.

**FSM 2700 – SPECIAL USES MANAGEMENT  
ZERO CODE**

2723 - COMMUNITY AND PUBLIC INFORMATION.

2723.1 - Meetings.

2723.12 - Native American Traditional Religious Activity. Traditional Native American religious activities are protected and encouraged in the American Indian Religious Freedom Act (42 U.S.C. 1996). This Act does not grant rights to Native Americans in excess of those guaranteed in the First Amendment of the United States Constitution. However, it is the policy of the Black Hills National Forest to facilitate individual and group use of the national forest for religious purposes. This can be accomplished by easy access to fire permits and special use permits; and the removal of administrative barriers, if they exist.

Small Group Worship. Groups of less than 75 people wishing to gather at ceremonial sites or elsewhere in the Black Hills National Forest for the purpose of ceremonial or worship activities, who do not wish to utilize fire, may do so without a special use permit. (If fire will be used, then a free fire permit may be attained at the District Office).

Although a permit is not needed for this activity, it may be to the group's advantage to discuss their plans with the nearest District Ranger. The District Ranger can provide helpful information to the group such as the location of areas already in use by other people and the location of management activities which might interfere with the group's desire for solitude.

It is understood that Native American traditional activities often involve the construction and use of sweatlodges and other ceremonial structures. A permit is not needed for such structures which are of a temporary nature (do not remain longer than 14 days) and do not involve major disturbance to the ground or vegetation.

Large Group Worship. Groups of 75 or more people wishing to gather at any location in the Black Hills National Forest for the purpose of worship or ceremonial activities will be required to obtain a noncommercial group use permit prior to commencing ceremony or worship service. Provisions for fire, sweatlodges and other ceremonial structures may be included in the permit. Efforts to process permit applications expeditiously will be made. Each application for a religious activity permit will receive priority processing by the District Ranger.

Permits will be free of charge, except those which charge an entry fee or those at which the sale of items or goods will take place. In the case of either exception the permit application will be reviewed and the normal permit fee assessed. Requests for privacy during the time of the permit will be honored to the extent possible on the National Forest.

Herb, Medicine, and Edible Plant Gathering. Recognize traditional Native American religious traditions regarding the taking of herbs and edible plant food for religious purposes. Cooperate with Native Americans in the taking of herbs, medicinal plants and edible plant foods from the Black Hills National Forest.

**FSM 2700 – SPECIAL USES MANAGEMENT  
ZERO CODE**

No permit is needed on the National Forest for the gathering of minor forest products, such as flowers, plants, berries, acorns, nuts, or small amounts of medicinal roots, from areas other than designated recreation, research, natural, or other areas closed to such activities. However, such collections are limited to reasonable quantities for personal use and may not be resold; there can be no disturbance of surface resources; and the products must not be protected by State or Federal laws or regulations.

Teepee Poles. A permit is needed for this activity. Free use permits may be granted to individuals to gather live and dead timber for teepee poles for personal use under regulation 36 CFR 223.5. Free use material may not be resold.

Free use permits are normally restricted to the use of dead, insect-infested, or diseased timber, logging debris, and thinning. However, free use permits for live timber may be granted when it is determined to be in the best interest of the Government to meet resource management needs, such as timber stand improvement.

When free use is not appropriate, teepee poles for personal use may be made available through small sales.

2723.2 - Religious Facilities.

2723.21 - Cemetery. Permits for new cemeteries will not be issued. Existing permitted cemeteries may continue under permit, but expansion of the permitted area will not be allowed. When cemeteries are located adjacent to established communities, sale or exchange may be appropriate for long-term resolution.

Individual graves outside of established cemeteries will not be permitted on the Black Hills National Forest. Existing grave sites will be recorded in the cultural resource atlas and will be protected similar to cultural resources.

1. District Rangers will establish provisions for perpetual care including fence construction, fence maintenance, and grounds maintenance.

2. Access roads to cemeteries across National Forest System land will be considered as a secondary use. The permit authority for roads, Act of October 21, 1976 (P.L. 94-579), will be included on the permit. Include clause G-1 in permit.

3. The permittee will be required to furnish a cemetery plot plan to include occupied and vacant plots. The permittee will submit an annual report by December 31, of each year, of burials by plot number to the District Ranger.

**FSM 2700 – SPECIAL USES MANAGEMENT  
ZERO CODE**

Human remains or cremation ashes **may not** be scattered on the Black Hills National Forest.

2723.22 - Church. Existing permits for churches on the Black Hills National Forest may be continued but shall be reviewed periodically for termination. New permits will not be issued. Subleasing of the church facilities will not be allowed.

2723.4 - Sanitary Systems.

2723.41 - Solid Waste Disposal Site. Permits for solid waste disposal sites will not be issued on the Black Hills National Forest.

2723.42 - Liquid Waste Disposal Area. Existing permits may be continued as long as State and Federal requirements are met, but shall be reviewed periodically for termination. Permits will not be issued to individuals, developers, or subdividers. New permits to municipalities will normally not be issued.

Permits will be inspected annually to assure that operating requirements specified in FSM 7430 and FSM 7440 are followed.

Where appropriate and possible, lands under permit to communities should be considered for disposal.

2723.6 - Service Uses.

2723.61 - Schools. Existing permits for schools may continue as long as they are used by local school boards. New permits for schools will not be issued. Permits will not be transferred to an individual.

2723.62 - Service Building. Existing permits may be continued, but no new permits shall be issued.

Where appropriate and possible, lands under permit to communities should be considered for disposal.

2723.64 - Shelter. Permits for shelters will not be issued on the Black Hills National Forest.

2725 - INDUSTRY.

2725.5 - Arts. Authorize the use of National Forest System lands for commercial photography and motion picture and television locations only where such uses do not seriously impact forest land resources or other uses, or do not unreasonably interfere with National Forest management.

**FSM 2700 – SPECIAL USES MANAGEMENT  
ZERO CODE**

1. Permit Applications. Require the following documentation with the permit application:

(a) Number of people involved on-location, whether employees, volunteers, contractors, or other personnel.

(b) A schedule of times, dates, and location of operations.

(c) All equipment or chemicals to be available on-location.

(d) Changes in the natural condition of the area that can reasonably be expected to result from the production.

Allow filming in wilderness areas only when:

1. It is demonstrated that a wilderness setting is required.
2. No reasonable alternative outside of a wilderness exists.
3. Impacts are negligible.

The restrictions for any use of motor vehicles and mechanized equipment in wilderness areas apply to these activities (FSM 2326).

2728 - COMMUNICATIONS.

There is a growing proliferation of utility rights-of-way on the Forest creating single purpose land encumbrances which may foreclose other resource management options.

In order to reduce or limit the amount of land required for utilities, the utility companies will be required to:

1. Share common corridors and structures.
2. Cooperate between one another in crossing territories to provide the most efficient route.
  - a. The Black Hills National Forest will not allow additional right-of-way on National Forest land for the sole purpose of avoiding the crossing of another utility company's territory.
3. Utilize only one right-of-way to contiguous private land.
4. Bury new or reconstructed electrical utility lines 33KV or less and telephone lines when feasible. Feasibility criteria for evaluating overhead and underground construction will be:

**FSM 2700 – SPECIAL USES MANAGEMENT  
ZERO CODE**

- a. Location of proposed line in relation to other forest resources governed by laws and regulations.
- b. Cost alone will not be an eliminating factor for underground utilities for any subdivision. A subdivision will be considered any parcel of land divided into two or more parcels. Cost may be eliminating factor in other lines. However, at what point cost of underground becomes unrealistic is a matter of judgment by the Forest Officer. Resources which may be protected by undergrounding may carry intangible values.
- c. Terrain where proposed line could be located.
- d. Percentage of rock where proposed line could be located.

5. Convert existing overhead utilities to underground when upgrading or reconstruction becomes necessary using the feasibility criteria established above.

The primary burden of proof that underground systems are not feasible rests with the applicant. The applicant will be required to furnish the following information:

- 1. Feasible routes, both underground and overhead, on a standard 7 1/2 minute topographic map. A larger scale map may be used if available. For example, 4-inch-to-the-mile.
- 2. Information concerning KV rating, sources of power and termini of the line. The route selected may not necessarily be the shortest route.
- 3. Total cost for both underground and overhead installation by each alternative route. Include the basis of the calculations. The premise that underground installation is automatically more expensive than overhead will not be accepted without a detailed cost analysis.
- 4. Type of soil and depth to bedrock as determined by auger testing. The tests must be of sufficient quantity to show changes in geological formations or soil types.
- 5. Width of clearing needed for each line and type of installation.
- 6. Access routes and any maintenance requirements for the future.

District Rangers will be responsible for approving or disapproving applications for utility rights-of-way within their authority by writing a Decision Notice for the specific situation which relates the Decision Notice and Finding of No Significant Impact for Utility R.O.W.'s Environmental Assessment approved June 11, 1981. It will also relate to the Black Hills National Forest

**FSM 2700 – SPECIAL USES MANAGEMENT  
ZERO CODE**

Management Plan. The Decision Notice will be accompanied by a supplement to the Environmental Assessment if necessary.

2728.3 - Other Communication Facilities.

Specifications for Thinning of Established Powerline R.O.W.

1. All trimming will be lopped and scattered outside of the right-of-way so as to lie within 18 inches of the ground.
2. Piling of cut material in the right-of-way as an alternative to lop and scatter outside of the right-of-way may be done at the option of the Contractor. In this case, piles will be burned by the Contractor upon approval by the Forest Service when suitable snow cover exists.
3. Selection cutting rather than clear cutting will be used in or adjacent to the right-of-way to remove only those trees whose leaves or branches are within 15 feet of the conductor.
4. Merchantable trees greater than 7 inches DBH are to be limbed flush with the bole and left log length in the right-of-way if the District Ranger determines that salvage is required. If salvage is not required, they will be limbed and bucked in 4' lengths and left in the R.O.W.
5. Prior to starting work, the Contractor will contact the local District Ranger for approval. All equipment will be inspected for having the appropriate spark arrestor.
6. Hazard trees such as leaning trees, forked, bug kill, etc, and any other growth within and near the powerline R.O.W. which may fall across the line and break it shall be removed.
7. All stumps must be cut so as to leave no more than 6 inches above the ground (on the uphill side) and no live branches left attached to the stump.
8. Upon completion of work, the Forest Service will be notified in order to arrange for a final inspection.