

Comments from the Public (who responded to the 7-1-2008 Request for Public Comments on the Proposed Reissuance of Recreation Residence Special Use Permits on the Gallatin National Forest) and FS Responses

Comment #01/01: “The Forest Service should sell the land these cabins sit on and get out of the real estate business. Sell the land to them, invest the funds, and use the interest from that revenue to maintain, improve, and expand areas of existing developed Forest Service lands that require attention”.

RESPONSE: To sell national forest land, the Forest Service would need to receive authorization and direction from Congress. In the Cabin Users Fee Fairness Act of 2000, Congress reaffirmed Forest Service Manual Direction (FSM 2721.23) that states that *“Recreation residences are a valid use of National Forest System lands. They provide a unique recreation experience to a large number of owners of recreation residences, their families, and guests. To the maximum extent practicable, the recreation residence program shall be managed to preserve the opportunity it provides for individual and family-oriented recreation. It is Forest Service policy to continue recreation residence use and to work in partnership with holders of these permits”*.

Comment #02/01: “Special use is right. These permittees are a privileged few that the F.S. is catering to, to the exclusion of the general public. I do not know how many acres are attached to these permits, but it is certain that the disturbance to National Forest System land and to the wildlife is greater than just the building site”....”I support removal of all structures”.

RESPONSE: The recreation residence permit does not authorize exclusive use. The terms of the permit specifically state *“The use and occupancy authorized by this permit are not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved”*.

Currently, near a number of recreation residence lots and tracts across the Forest, there are very old signs posted that contain the words “exclusive use”, which has reinforced the perception over time. It is the Forest’s intent to replace those with signs authorized by the latest Forest Service Sign Manual. However, the Forest will continue to allow permit holders to appropriately sign and protect their privately-owned structures.

Purchase of the privately-owned recreation residence structures is an opportunity available to the public since periodically the structures are publicly advertised for sale through real estate agents and other means.

The permit authorizes the buildings and other structures as well as use of the area for activities associated with the recreation residence. Effects to wildlife were analyzed considering not only the buildings and structures but the associated uses of the area as well. The Operation and Maintenance Plan of the Special Use Permit includes conditions that minimize impacts to wildlife by the recreation residences, such as storage of food and wildlife attractants, maintaining pets under control and not harassing wildlife, requiring approval for any new routine snow plowing and constraints on any project work that would generate loud noise disturbances within specific distances and dates of known active nests of bird species of concern.

Comment #02/02: “Unmaintained access roads cause erosion resulting in sedimented area streams”.

RESPONSE: Roads that access recreation residence tracts and that also access other types of public recreation sites or areas are maintained by the Forest Service according to FS standards and maintenance requirements, which address unacceptable levels of sedimentation. Roads or driveways that only serve recreation residence tracts or lots are the responsibility of the permit holder(s) to maintain and must also meet FS road maintenance standards. The Cabin Users Fee Fairness Act of 2000 required that the Forest Service and the permit holders identify access roads that holders built or maintain, so that the appraisals that were conducted in 2007, upon which the land use fees are based, could incorporate that information.

The Operation and Maintenance Plan includes a condition about maintenance and sedimentation for roads, driveways and parking areas authorized by the permits. Previously, the permits never contained any Operation and Maintenance Plans. The FS recreation residence inspection forms will also be updated to include elements about sedimentation and water quality.

Comment #02/03: “The cumulative effects of the residences and the associated activities (concentration of ATV use, wood cutting, hunting, domestic animals) must be considered with other past, present and reasonably foreseeable future activities”.

RESPONSE: This decision to issue new permits for 20 years applies only to the continuance of existing structures and uses. It does not authorize any changes or increases to the existing structures or uses. With the addition of an Operation and Maintenance Plan, permit conditions have been included to reinforce the processes and approvals required prior to any changes being made by permit holders.

The issuance of new recreation residence permits does not authorize ATV use, which is regulated by the Gallatin National Forest Travel Management Plan Decision 2006. The Operation and Maintenance Plan serves to reinforce that.

The issuance of recreation residence permits do not authorize hunting, which is regulated by Montana State laws.

Firewood cutting for personal use firewood to be taken and used off the forest requires a Personal Use Firewood Permit. The recreation residence permits do not authorize personal use firewood cutting. The Operation and Maintenance Plan allows holders to only remove dead trees that are imminently threatening their structures and to use up to 2 cords of that wood at their recreation residence on the Forest. The Operation and Maintenance Plan also encourages holders to address fuel reduction to protect the area surrounding their lot or tract from fires that may start within the lot or tract or to protect their structures from fires that start outside their lot or tract.

The Operation and Maintenance Plan requires that permit holders keep pets (domestic animals) under control to prevent harassment or attraction of wildlife.

Comment #03/01: “Permit holders are stewards of the National Forest. Not only do we pick up trash and litter from other users, we have removed blown over trees crossing the roads, deadfall, and provide a source of revenue from our lease to the National Forest”.

RESPONSE: Recreation residence permit holders often feel a strong connection and commitment to the part of the Forest where their cabin is located, which sometimes results in an increased presence that may help deter vandalism and illegal activities and in the case of this commenter, clean up litter from other users.

The Gallatin National Forest does not directly receive nor retain the revenue paid by recreation residence permit holders for their land use fees. That revenue contributes to the national budget for the Forest Service, which is regulated by Congress.

Comment #03/02: “As a permit holder, my family and I will of course support the issuance of the new 20 year permits.....I am a Scout Leader.....and we have used our cabins for a weekend retreat in doing leadership training for the boys and new adult leaders”.

Response: The continuance of these recreation residences will allow uses that Congress deemed as appropriate for the national forests, to continue, as stated by the Forest Service Manual Direction (FSM 2721.23) “*Recreation residences are a valid use of National Forest System lands. They provide a unique recreation experience to a large number of owners of recreation residences, their families, and guests. To the maximum extent practicable, the recreation residence program shall be managed to preserve the opportunity it provides for individual and family-oriented recreation. It is Forest Service policy to continue recreation residence use and to work in partnership with holders of these permits*”

Comment #03/03: “I personally feel our cabins and their sites have historical value, and I feel the permit holders take pride in maintaining their significance”.

Response: The Forest Service recognizes that recreation residence uses and structures are part of its history. Nationally, many of the tracts and lots and the structures and improvements are eligible for the National Register of Historic Places. This analysis considered potential impacts to that eligibility and included conditions in the Operation and Maintenance Plan to reinforce the existing processes and approvals required prior to any changes being made by permit holders, even to their privately-owned structures. Some holders have expressed an interest in seeking listing on the National Register for their cabins.

Comment #04/01: The Forest Service should get rid of summer homes since they are a fire danger to the Forest Service land, the public has to pay for fire protection for them. All of the cabins should be put on lifetime tenure.

Response: The Operation and Maintenance Plan emphasizes that the Forest Service is responsible for activities necessary for wildland fire suppression and that permit holders have the responsibility for protecting their structures from fire.

The Forest Service works with the permit holders, as well as with neighbors of the National Forest on private land, to provide information about fuel reduction and other measures to take to reduce the risk of fire.

Comment #05/01: I encourage you to renew the leases on the Gallatin National Forest residences-summer homes. We built our cabin in 1951 and 5 generations have enjoyed it.

Response: See responses to Comment #03/02 and #03/03.

Comment #06/01: Our extended family uses this cabin. I appreciate the work the Forest Service is doing to secure new leases for cabin owners.

Response: See response to Comment #03/02.

Comment #07/01: I support the renewal of the 20-year permits. My family has had a cabin for more than 40 years. We are always extraordinarily careful to remain in compliance with forest service rules and regulations and to keep the forest safe and healthy.

Response: See responses to Comments #03/01, #03/02 and #03/03. The Operation and Maintenance Plan will help permit holders remain in compliance and understand their obligations.

Comment #07/02: "...we love the area with all our hearts, treasure our family tradition of spending time there [at our cabin] each summer, and very much support the renewal and continued careful monitoring of leases so that this area can be of summer recreation to many, including cabin owners as well as the (nearby) campground users".

Response: See responses to Comments #03/01, #03/02 and #03/03.