

A photograph of three hikers walking away on a dirt trail. The hiker in the foreground is wearing a yellow jacket and a red backpack, with their right leg raised in mid-stride. The hiker in the middle is wearing a grey shirt and a red backpack. The hiker in the background is wearing a blue jacket. They are surrounded by tall grasses and a clear sky.

INTRODUCTION TO
USDA FOREST SERVICE

RECREATION SPECIAL USES

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INTRODUCTION | OBJECTIVES OF THIS GUIDE

Learn about the process for obtaining a special use permit focusing on **recreational uses**:

- **What:** This guide helps you understand what kind of activities and uses are considered a “special use” and require a special use authorization.
- **How:** You will learn about the process of obtaining a special use authorization.
- **Tips and Tricks:** Additional information that will help streamline the proposal and application process.

Each year, the U.S. Forest Service (USFS) receives thousands of individual and business applications for activities such as **water transmission, agriculture, outfitting and guiding, recreation, telecommunication, research, photography and video productions, and granting road and utility rights-of-ways.**

The agency's **special-uses program** authorizes uses on National Forest Service land that provide a benefit to the general public and protect public and natural resources values.

1 INTRODUCTION | OVERVIEW OF USDA FOREST SERVICE

The Mission of the USDA Forest Service

The mission of the Forest Service is to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations.

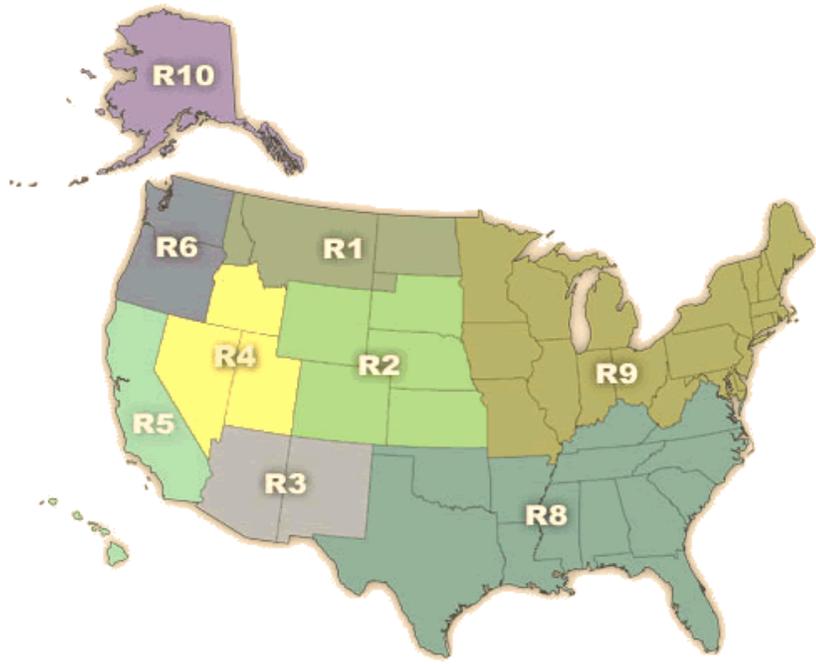
Authorities Granted by Congress

The outdoor recreation economy has created a demand for a variety of commercial activities on the National Forests. All management of these activities is based on the authorities granted by Congress.

Local Management by USDA Forest Service

The Forest Service develops rules and regulations in response to the authorities granted by Congress, and Land and Resource Management Plans describe the suitable activities that may occur on a forest landscape.

USDA Forest Service Organized by Region



- R1** Northern Region
- R2** Rocky Mountain Region
- R3** Southwestern Region
- R4** Intermountain Region
- R5** Pacific Southwest Region
- R6** Pacific Northwest Region
- R7** North Central Region
- R8** Southern Region
- R9** Northeastern Region
- R10** Alaska Region

1 INTRODUCTION | OVERVIEW OF RELEVANT TERMS

When you start preparing your proposal you will encounter many technical terms. This guide will provide you with definitions, samples and the context to understand the process of applying for a special use authorization and to communicate with Forest Service staff.



Special Use

Certain types of use, activity, or occupancy of National Forest System lands that require an authorization are called special use.



Special Use Authorization

A written permit that authorizes use or occupancy of a National Forest System land, including terms and conditions under which the use or occupancy may occur.



Land Management Plan

A document, also known as a Forest Plan, that establishes the framework to guide all natural resource management activities and decisions on a forest or grassland.



Commercial Use

Commercial use is any use or activity on National Forest System lands where an entry or participation fee is charged or where the primary purpose is the sale of a good or service. Whether you are 'for profit' or 'non profit' is irrelevant in this situation.



Noncommercial Group Use

Noncommercial group use is a noncommercial activity that is subject to a special use authorization because the group size is 75 or more.



Permit, Lease, Easement

Types of special use authorizations



Nominal Effects Determination

A determination that a proposed use has such nominal effects on National Forest System lands, resources, or programs that it is not necessary to establish terms and conditions in a special use authorization.



NEPA

National Environmental Policy Act is the assessment of environmental impacts of a proposed use.



Application

In the special use authorization process, an application is a proposal that has passed initial and second-level screening.



Proposal

In the special use authorization process, a proposal is simply a request for use and occupancy of National Forest System lands for a use or activity that may be subject to a special use authorization.



Authorized Officer

Any employee of the Forest Service who has been delegated the authority to issue a special use authorization - usually a District Ranger or Forest Supervisor.

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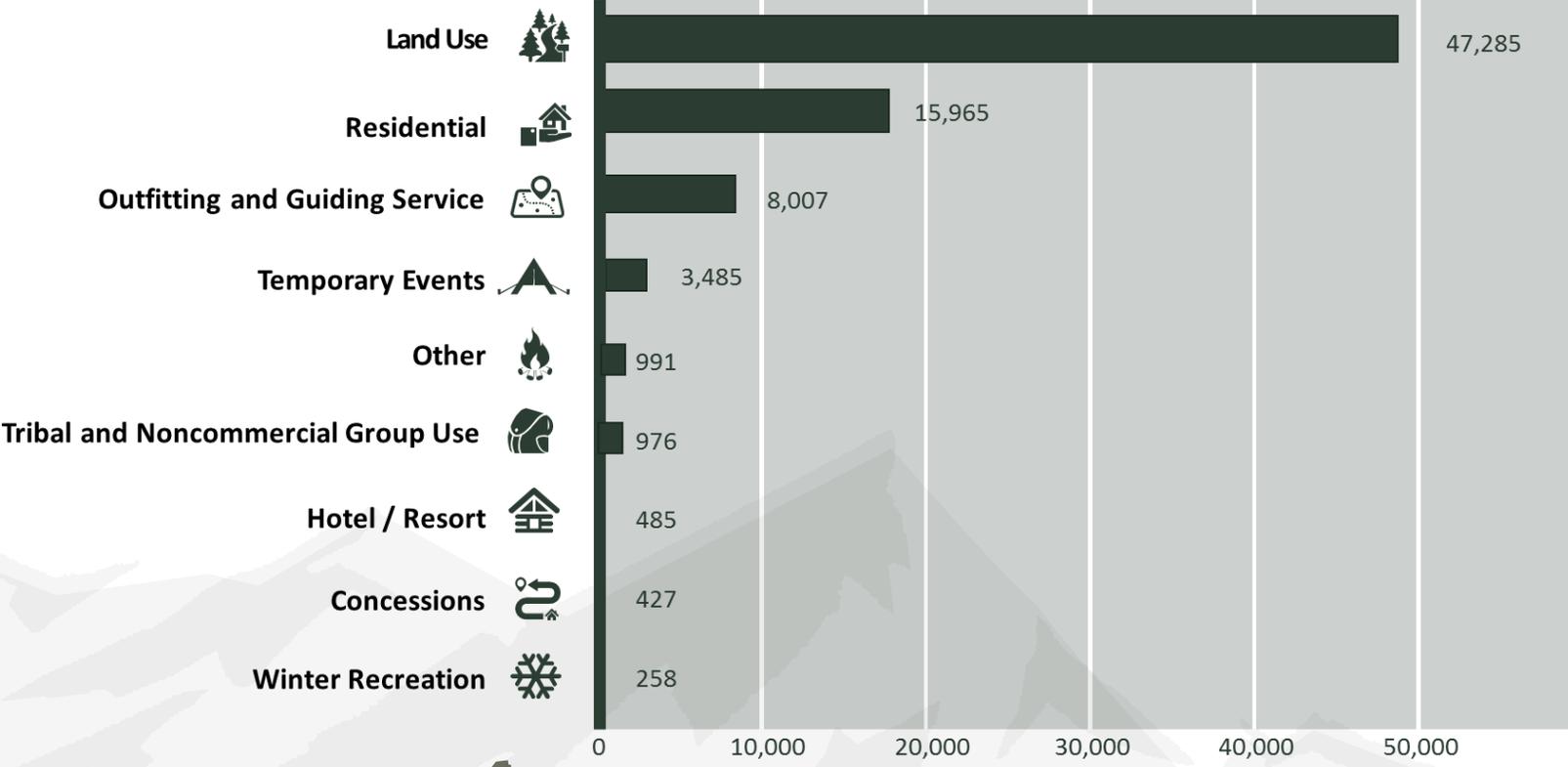
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2 WHAT | TYPES OF SPECIAL USES

The most common types of “special use” that occur on National Forest System lands are commercial activities and the construction of infrastructure. In most situations, a special use authorization is required where an entry fee or participation fee is charged, or where the primary purpose is the sale of a good or service.



Special Uses in Numbers

- The Forest Service issues over **74,000** authorizations every year, covering a variety of different special uses and activities.
- The majority of permits issued for **Outdoor Recreation** fall under the Outfitting and Guiding Category.

2 WHAT | **OUTFITTING AND GUIDING**



The term outfitting and guiding covers all situations in which a service or assistance is provided for a fee for service, including the renting on or delivering to National Forest System lands equipment or supplies. Examples of outfitting and guiding activities include river rafting, hiking, fishing/hunting, off-highway vehicle tours (including snowmobiling), and back-country skiing.

2 WHAT | COMMERCIAL AND NONCOMMERCIAL USE

The agency’s authorized officer determines if an activity is commercial or noncommercial and whether a special use authorization is required. For example, there may be instances when a group charges participants fees simply to cover the cost of transportation or food and supplies. In that case, the authorized officer may determine that a special use authorization is not required.

 **Commercial use or activity**

Use or activity on NFS lands

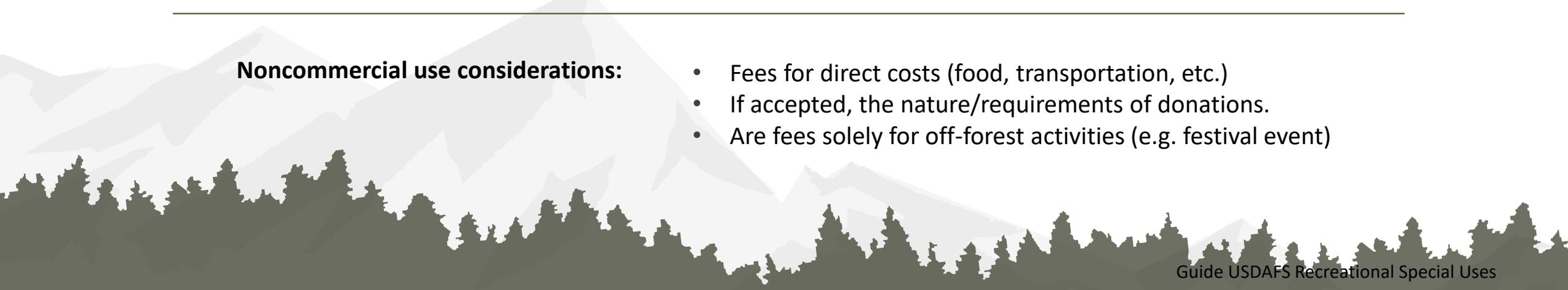
- Where an entry or participation fee is charged
- Where the primary purpose is the sale of a good or service
- Commercial use normally requires a special use authorization

 **Noncommercial use or activity**

- If an activity does not fall within the definition of ‘commercial use or activity,’ it is considered a noncommercial use or activity.
- A noncommercial use or activity does not require a special use authorization unless it involves 75 or more people. If it involves 75 or more people, it requires a noncommercial group use permit.

Noncommercial use considerations:

- Fees for direct costs (food, transportation, etc.)
- If accepted, the nature/requirements of donations.
- Are fees solely for off-forest activities (e.g. festival event)



2 WHAT | SPECIAL USE AUTHORIZATIONS

A special use authorization is a legal document such as a permit, temporary permit, term permit, lease, or easement, which allows occupancy, use, rights, or privileges of National Forest Service land. The authorization is granted for a specific use of land for a specific period of time:



PERMIT

- Does not involve the permanent commitment of government resources
- Forest Service may amend the permit at any time when it is in the public interest to do so
- Normally issued for 1-20 years

Sample: campground, houseboat, outfitting and guiding, events



TEMPORARY PERMIT

- Does not involve the permanent commitment of government resources
- Forest Service may amend the permit at any time when it is in the public interest to do so
- Normally issued for 1-180 days

Sample: events, outfitting and guiding



TERM PERMIT

- Appropriate for facilities constructed for long-term use
- Creates an obligation against the United States by requiring the United States to pay for any improvements if revoked for reasons other than breach
- Normally issued for 20 years, may be issued for up to 40 years (ski areas)

Sample: resorts, ski areas, marina, organization camp

2 WHAT | WHO HANDLES THE PERMIT PROCESS



Authorized Officer

The Authorized Officer is a Line Officer, usually a District Ranger or Forest Supervisor, and has the authority to officially issue a permit.



Special Use Administrator

The special use administrator will be your primary point of contact. They will help you with the application and permitting and will track compliance with your permit's terms and conditions over time.

2 WHAT | YOUR ROLE IN THE PROCESS



Proponent

Person or entity that submits a proposal for a permit on National Forest Service lands.



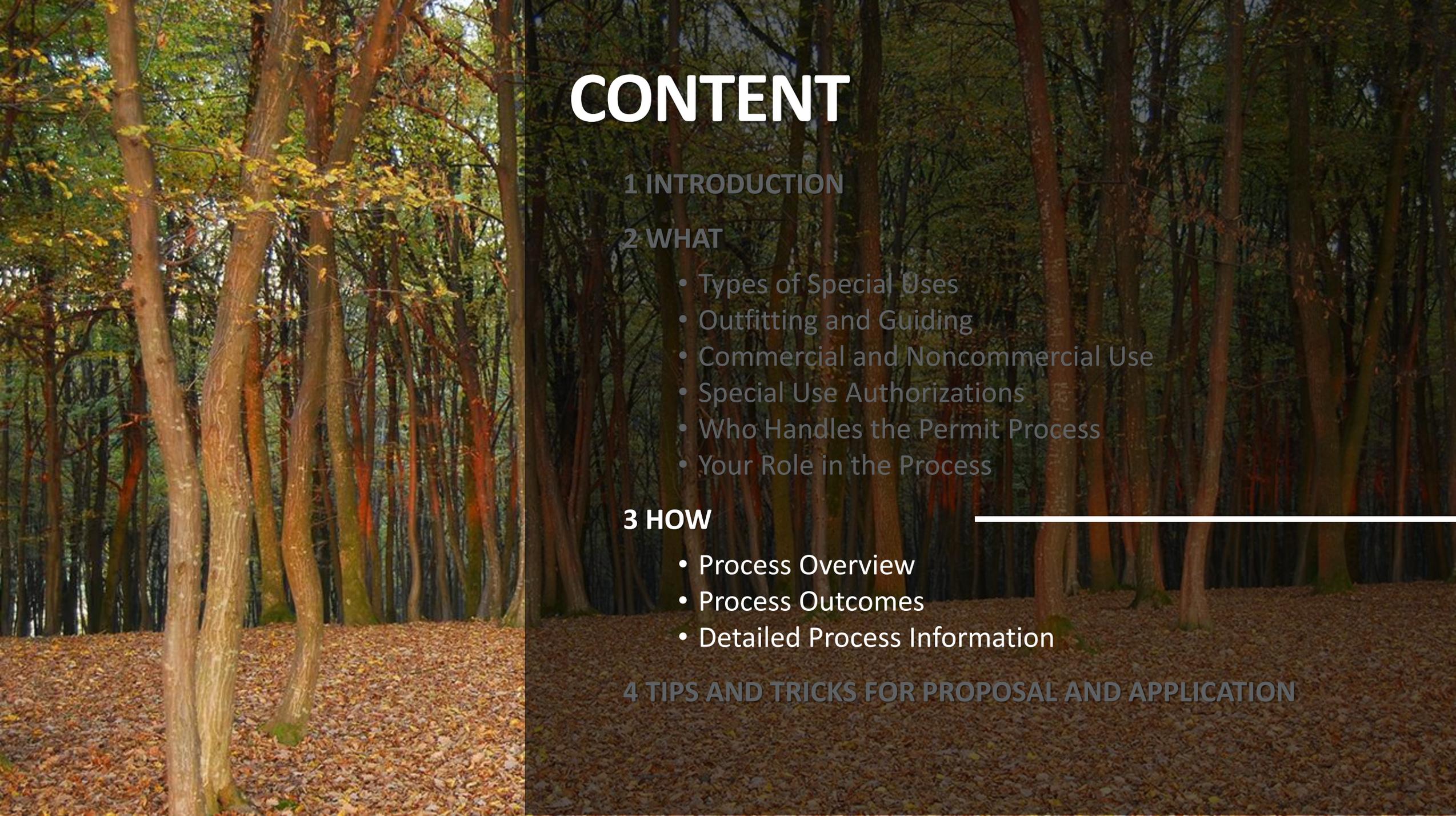
Applicant

An individual or entity (partnership, corporation, association) whose proposal has been accepted and is now in the application stage.



Holder

Any applicant who has received a Special Use Permit.



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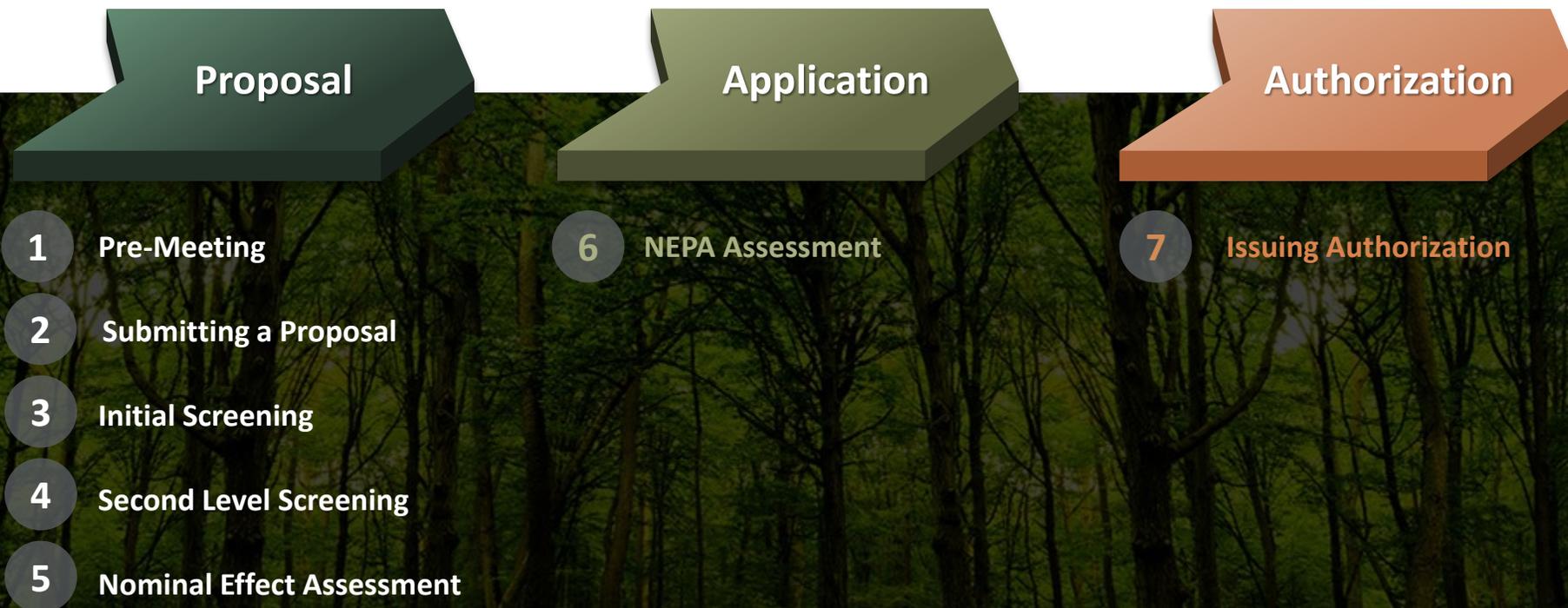
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3 HOW | PROCESS OVERVIEW



- The first step is a “pre-meeting” where you can discuss your activity with local Forest staff and learn what documentation is needed, what kind of fees need to be paid and the time frame of the application process.
- The next step to apply for a special use authorization is to submit a request – defined as a “proposal”. It initiates the proposal phase which requires most of the preparation and input from proponents.
- After the pre-meeting the Forest Service Staff conducts several screenings, including an initial and a second level screening
- During the Application Phase an environmental analysis is required and as a final result a special use authorization will be issued.

3 HOW | PROCESS OUTCOMES

Proposal

- Proposals may be submitted in writing or verbally and must fully describe the proposed activity .
- Proposals are subject to initial and second level screening to ensure that the proposed use is allowable.
- You cannot appeal a denied proposal.

Outcome:

- Waiver letter in case of nominal effects, process is complete
- Proposal becomes application

Application

- Has been formally accepted by agency for further consideration
- May be subject to cost recovery.
- An environmental analysis is now required (NEPA).
- You can appeal a denied application.

Outcome:

- Application approved or
- Application approved with Modifications or
- Application denied

Authorization

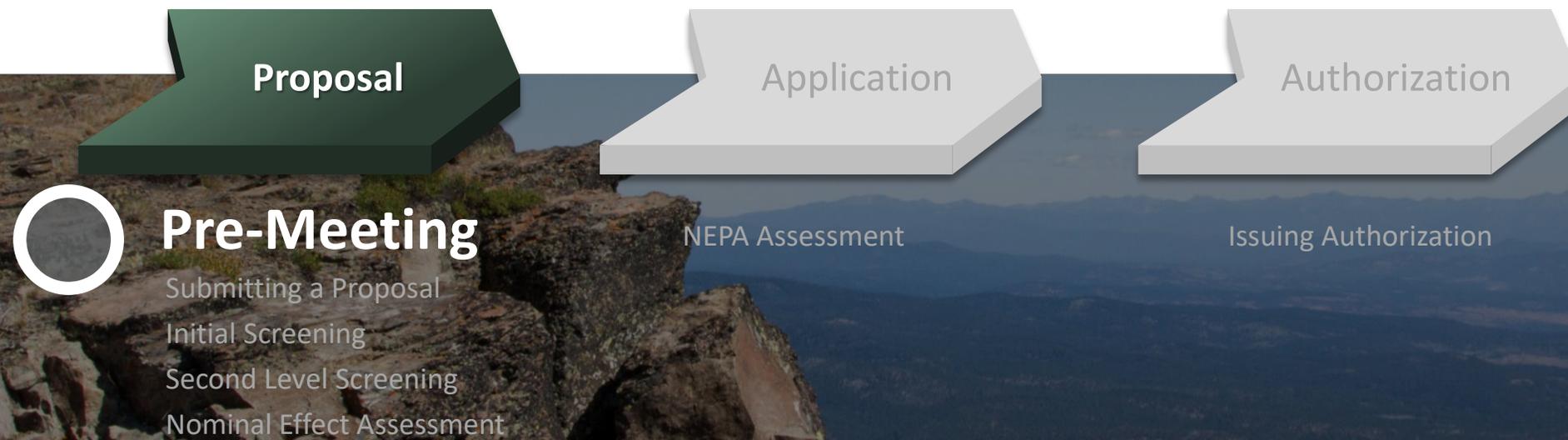
- Temporary Permit
- Permit
- Term Permit
- Lease
- Easement

Authorizations allow use and occupancy, rights, or privileges with regard to National Forest System land.

Outcome:

- Authorization issued

3 HOW | PRE-MEETING: HOW TO GET STARTED!



The Pre-meeting and your research about the location are important mile stones on your way to an authorization for your activity:

- Contact a Forest Service office and request an application.
- Prior to submitting the proposal, it is recommended to arrange a pre meeting at the local Forest Service office where the use is being requested. A staff member will discuss your proposal, potential land use conflicts, application procedures and qualifications, probable time frames, fees, bonding requirements, additional coordination with other agencies, environmental reports, and field reviews.
- Most commercial uses require additional information with the application. You may need business plans, operating plans, liability insurance, licenses/registrations, or other documents.
- Complete and submit the application form, including supporting documents, to the local Forest Service office. An incomplete proposal could delay the processing.

3 HOW | SUBMITTING A PROPOSAL



After your Pre-meeting you can submit your proposal:

- Most commercial uses require additional information with the application. You may need business plans, operating plans, liability insurance, licenses/registrations, or other documents.
- Complete and submit the application form, including supporting documents, to the local Forest Service office. An incomplete proposal could delay the processing.
- Once submitted, the proposal will go through two levels of screening. If it passes both it is considered an application.

3 HOW | INITIAL SCREENING



After the agency receives your proposal, the authorized officer or case manager conducts the initial screening for the following criteria:

1. The proposed use is consistent with federal, state, and local laws, regulations, orders, and policies that apply to national forests and grasslands;
2. The proposed use is consistent or can be made consistent with the Forest Plan that established standards and guidelines for management of the land where the activity will take place;
3. The proposed use will not create a serious and substantial risk to public health or safety;
4. The proposed use will not create an exclusive or perpetual right of use or occupancy;
5. The proposed use will not unreasonably conflict or interfere with administrative use by the Forest Service, other authorized existing uses, or uses of adjacent non-NFS lands;
6. The proponent must not owe any fees to the Forest Service from a prior or existing special-use authorization;
7. The proposed use does not involve gambling or providing of sexually-oriented commercial services, even if permitted under state law;
8. The proposed use does not involve military or paramilitary training or exercises, unless such training is federally funded;
9. The proposed use does not involve disposal of solid waste or disposal of radioactive or other hazardous substances.

3 HOW | SECOND LEVEL SCREENING

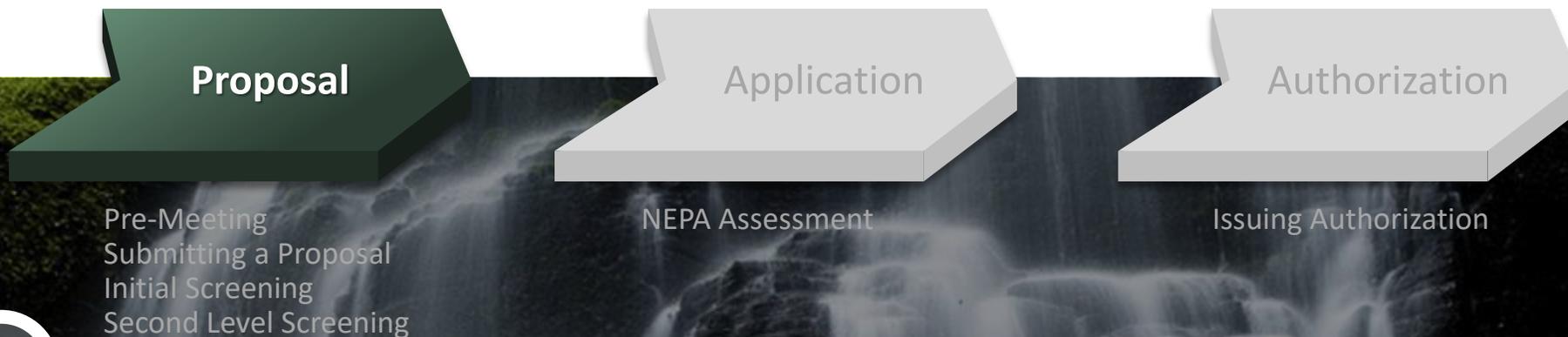


If you meet the initial screening requirements, the Forest Service administrator will provide guidance on what information will be required to complete your application. If your proposed event does not meet the screening requirements you will be notified that the proposal, as submitted, is denied. A proposal that passes the initial screening proceeds to second level screening. Your proposal will be accepted as an application if it meets all of the following:

1. The proposed use would be consistent or compatible with the purposes for which the lands are managed; and
2. The proposed use would be in the public interest; and
3. The proponent is qualified; and
4. The proponent can demonstrate technical or financial capability to undertake the use and fully comply with the terms and conditions of the permit; and
5. There is someone authorized by the proponent to sign a permit or there is someone willing to accept the responsibility for the terms and conditions of the permit. Upon satisfactory passing of this screen the Forest Service will process the request.

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HOW | NOMINAL EFFECT ASSESSMENT



Nominal Effect Assessment

Discretion to waive the requirement for a special use authorization

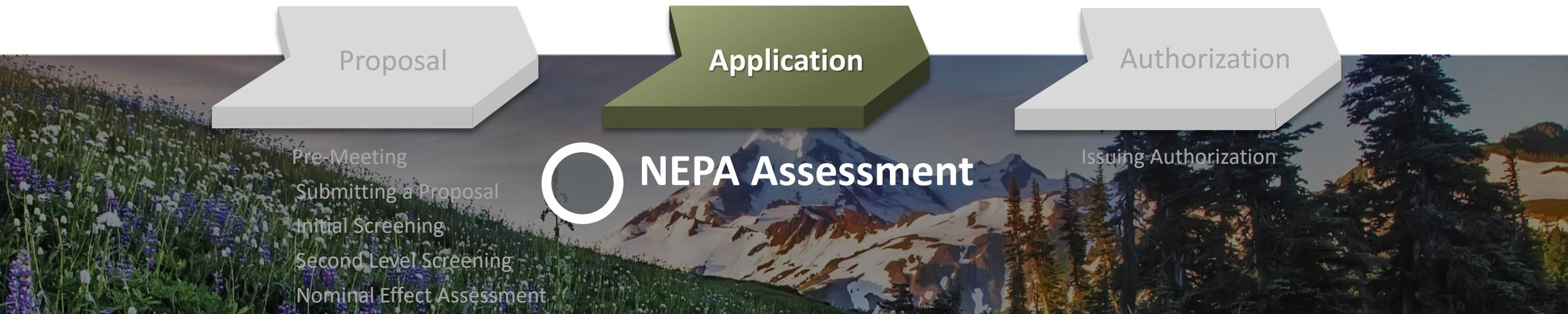
- After the initial and second level screening, based on a review of the proposed use, the authorized officer can determine if the proposed use will have such nominal effects on National Forest System (NFS) lands, resources, or programs that it is not necessary to establish terms and conditions in a special use authorization to protect NFS lands and resources or to avoid conflict with NFS programs or operations. If the authorized officer makes this determination, he or she can waive the requirement for a special use authorization.
- The authorized officers have discretion to waive the special use authorization requirement for proposed uses on a case by case basis. Proposed uses in some situations may have little or no impact on NFS lands, resources, or programs.
- In case of a waiving the requirement for a special use authorization you will receive a determination letter from the authorized officer.
- In order to receive a waiver, the following 6 requirements have to be full filled;

Nominal Effect: Assessment Steps

1. Based on the review of the proposal, the authorized officer determines that the proposed use will have either have no effect, or only a nominal effect on NFS lands, resources, or programs
2. No terms and conditions needed (e.g. liability insurance)
3. The size of the group is less than 75 people (not applicable for noncommercial use group)
4. The proposed use is consistent with facility design and/or allowable activities as identified in the Forest Plan and would not exceed the capacity of existing Forest Service infrastructure.
5. A nominal effects determination is not being used to avoid conducting NEPA analysis, issuing a special use authorization, or collecting cost recovery and land use fees.
6. The proposed use would not lead to visitor conflicts or decrease the overall quality of visitor experience.

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HOW | NEPA

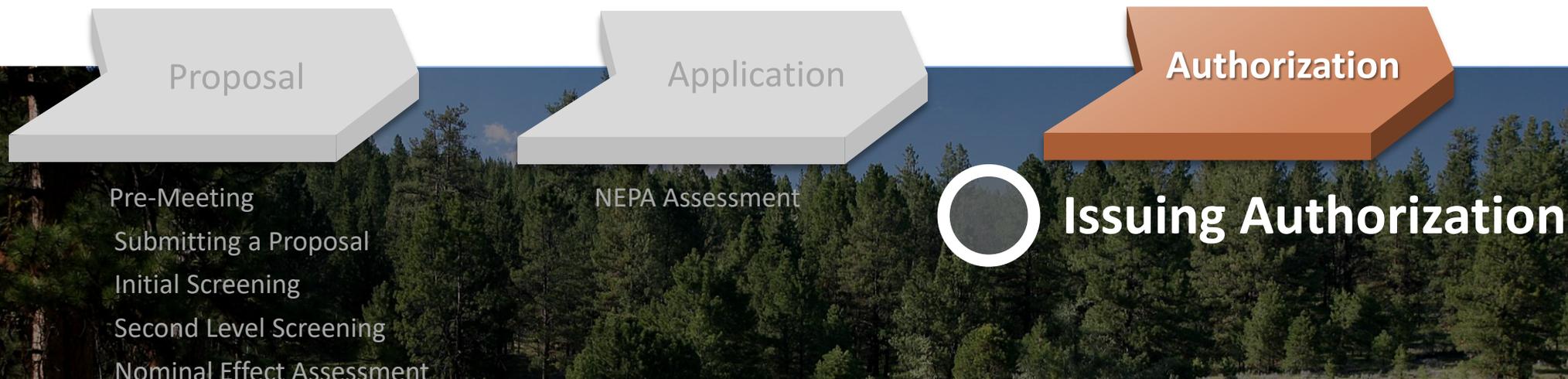


Signed into law on January 1, 1970, the National Environmental Policy Act (NEPA) was one of the first major environmental laws in the United States. NEPA requires that the Forest Service assess the environmental effects of a special use authorization and there are three primary environmental analysis categories:

- Categorical Exclusions (least complex)
- Environmental Assessment (moderately complex)
- Environmental Impact Statement (most complex)

The category of environmental analysis will be determined by the scope and resources associated with the special use authorization.

3 PROCESS OVERVIEW | ISSUING AUTHORIZATION



Issuing an authorization requires a number of additional steps to ensure that the use complies with statutes and rules; minimizes damage to scenic, wildlife, and esthetic values; complies with air and water quality standards; and complies with standards for public health and safety. These steps are not sequential and often overlap:

- Preparation of Authorization Form
- Proof of Liability Insurance
- Identification of Land User Fee Mechanisms
- Provision of Bonds, Cost Recovery Fees
- Detailed Operation Plan
- Joint Signing of the Authorization

And what happens now? The issuing of an authorization, or permit, is followed by administration of the authorization and reissuing, renewing or closing the authorization as needed.

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TIPS AND TRICKS FOR PROPOSAL AND APPLICATION (1)

- **Name and Address:** Include the full name(s) to be used. If the application includes real property, the name(s) on the legal document must match the application.
- **Applicant's Agent:** This person must be at least 21 years old and may or may not be the same as the applicant. Documentation should be included to verify that this person may sign on behalf of the applicant.
- **Project Description:** Include enough detail to enable the Forest Service to determine feasibility, environmental impacts, benefits to the public, the safety of the request, lands to be occupied or used, and compliance with applicable laws and regulations. Specific routes, trip timing (day of week/season) and frequency, number of client, and equipment to be used are examples of details to include.
- **Environmental Protection Plan:** Include proposed plans for environmental protection and rehabilitation during construction, maintenance, removal, and reclamation of the land. For outfitting and guiding this could include a plan on how you apply Leave No Trace Principles during your trip.
- **Map:** Provide a detailed map (U.S. Geological Survey quadrangle or equivalent) or plat (survey or equivalent) showing the requested use in relation to NFS land, identification of applicant's property (if applicable), scale, map legend, legal description, and a north arrow.
- **Insurance:** In many situations, the holder of a special use authorization is required to obtain insurance to protect the public and the United States from injury, loss, or damages for which the holder may be liable. The level of insurance is based on the proposed activity.

TIPS AND TRICKS FOR PROPOSAL AND APPLICATION (2)

- **Technical and Financial Capability:** Provide documentation to assure the Forest Service you are capable of constructing, operating, maintaining, removing the use off NFS land, and reclaiming the land after the authorization terminates. For outfitting and guiding this might be certifications or an outline on how you will utilize how you will use Leave No Trace Principles.
- **Fees:** You may be required to submit certain fees and/or other associated costs as part of your application process.
 - **Cost Recovery Fees**
An assessment of fees to recover agency processing costs for special use applications and monitoring costs for special use authorizations. These fees are separate from any fees charged for the permit itself.
 - **Land Use or Permit Fees**
This is an annual rental fee based on the fair market value for the uses authorized and is payable in advance. Fees are established by appraisal or other sound business management principles.
 - **Other Associated Costs**
You may be responsible for providing information and reports necessary to determine the feasibility and environmental impacts of your proposal; compliance with applicable laws and regulations; and terms and conditions to be included in the authorization.
- **Time line:** National Forests generally establish their program of work at the beginning of the fiscal year (Oct 1st). Requests for new activities should be submitted in advance of the fiscal year. It is difficult for National Forests to respond to last minute requests.
- **Who to contact?** Each National Forest generally has a Public Service Staff Officer whose duties include special uses. When in doubt on who to contact for more information, contact the Forest's Public Service Staff Officer at either the Supervisor's Office or your local Ranger Station.

CONTACT

For further information please visit MyTYO.org



~TRANSFORMING YOUTH~

TYO

~OUTDOORS~

This guide has been created by TYO: Transforming Youth Outdoors in partnership with the Coalition for Outdoor Access and the USDA Forest Service.