



United States  
Department of  
Agriculture

Forest  
Service

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Subject: Recreation Residence Term Permits

LIVING TRUSTS

To: Regional Foresters

Recreation residence permit holders frequently ask that the term permit be issued to, or transferred to, a living trust rather than a named individual. The living trust may also be referred to as a family trust. We have prohibited this practice on the basis that the permit must name a specific individual as holder who is responsible for matters relating to permit administration (FSM 2721.23a). A trust typically does not name this individual.

We have reconsidered our special use authorization policy and concluded that recreation residence permits can be held by a living trust. However, an individual must be named as the trust representative and holder of the term permit. This individual would agree to act in behalf of the trust and to be responsible for the conditions imposed on the trust under the term permit's provisions. This can be a person specifically named in the trust as having the responsibility of the recreation residence. Our concern about identifying a specific individual to be responsible for the recreation residence, and the principal contact for the Forest Service, is thus addressed by requiring the trust's representative to be the holder of the permit.

Appropriate clauses to add to Section XI when preparing the recreation residence term permit (FS-2700-5a) for a trust are shown in the enclosure. These clauses may also be added to a current permit by amendment. The holder identification on page 1 of the term permit must contain the phrase "as representative of the XYZ Living Trust." We caution that this modification of policy is designed to allow trusts established solely for non-commercial, personal benefit to hold term permits for recreation residences.

This direction should be implemented immediately. Appropriate clarifying amendments to FSM 2721.23a have been initiated.

*Jack Ward Thomas*

JACK WARD THOMAS  
Chief

Enclosure

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Caring for the Land and Serving People

