



**FOREST SERVICE MANUAL
CHIPPEWA NF (REGION 9)**

CASS LAKE, MN

FSM 2700 – SPECIAL USES MANAGEMENT

CHAPTER 10 – SPECIAL USE AUTHORIZATIONS

Supplement No.: R9 Chippewa 2700-2010-2

Effective Date: March 22, 2010

Duration: This supplement is effective until superseded or removed.

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Date Approved: 03/08/2010

Posting Instructions: Supplements are numbered consecutively by Handbook 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 manual was R9 Chippewa 2700-2003-2, to chapter 10.

New Document	R9 Chippewa 2700-2010-2	4 Pages
Superseded Document(s) (Supplement Number and Effective Date)	R9 Chippewa 2700-2003-2	3 Pages

Digest: In order by code, summarize the main additions, revisions, or removal of direction incorporated in this supplement.

2710.3 – Provides more direction on forest policy. Changes cost recovery policy to cost collection policy and adds “others as shown in CFR 251.58, section f” to list of exceptions to cost collection policy.

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2710.3 – POLICY

In view of existing and projected reduced budgets and staffing, and in order to continue to provide prompt service to individuals and businesses requesting special use permits and additions to existing special use permits, the Chippewa National Forest must transfer some of the costs of evaluating and processing new special use permit applications from the tax payer to the applicant.

It is the intent of this supplement to identify policies and procedures for at least partially recovering the cost of evaluating and processing special use permit applications. In addition, it will specify those costs, which should properly remain the responsibility of the Forest Service, and those for which the applicant is responsible. For minor, uncomplicated permit applications; where costs do not exceed \$100, applicant responsibility for expenditures is waived.

The following costs associated with routine evaluation and processing of special use applications will be funded by the Forest Service from traditional budget appropriations:

Application:

- Initial consultation with permittee
- Review of application and completion of report on application
- Reviewing consistency of application with Forest Plan direction
- Initial consultations with resource specialists (initial scoping)

Permit Preparation:

- Preparation of the permit document
- Preparing maps, fee statements, appendices, bills for collection

Expenditures associated with data collection, evaluation, and short term construction monitoring of proposed special use permits (where costs exceed \$100) are the responsibility of the applicant. The applicant may choose to provide the necessary services through a mutually agreed upon qualified individual, or enter into a collection agreement with the Forest Service to provide required surveys and reports. If a contractor or other qualified person is employed, required permits for heritage resource surveys must be secured from the Forest Supervisor Office before surveys are undertaken (Archeological Resources Protection Act of 1979, as amended in 1988). Costs for the following services (if needed) would typically be considered the responsibility of the applicant:

- Data collection needed for environmental document preparation (i.e., biological surveys, cultural surveys, etc.)
- Public involvement efforts (public meetings, newspaper notices, mailings, etc.)

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- Preparation of an environmental document
- Drafting of a Decision Notice including any printing and mailing costs.
- Costs of responding to any appeals of the decision
- Timber cruising and marking
- Establishing property lines
- Site visits prior to, and during, construction by specialists (i.e., hydrologist, engineer, etc.) to ensure that mitigation measures are adequate to protect resources, and that permit construction requirements are being adhered to (this monitoring should not be confused with long term regular permit administration which is funded from Forest Service sources).

Implementation Procedures

Upon acceptance and review of a special use application, the issuing officer will determine if additional data collection, analysis and public input will be needed to reach a decision on the application. If additional information is required, and costs will exceed \$100, the applicant will be notified of their responsibility, and the options available to them. Included also will be an estimate of costs if the Forest Service provides the needed services. No additional action will be taken on the permit request until a decision is made by the applicant regarding how and whether to proceed. All applicants will be expected to pay permit processing costs that exceed \$100; however, if time is not critical to the applicant the issuing officer may, at their discretion, set up a payment schedule or negotiate a lower price for some processing costs by combining them with similar planned activities on adjacent National Forest lands (i.e., heritage resource surveys, land surveys, etc.). A permit should not be issued, however, until all processing costs have been paid.

A Cost Collection agreement will be prepared in each case where a special use applicant elects to have the Forest Service provide data and services, which are the applicant's responsibility. There is no guarantee that applicants entering into a collection agreement will be granted a special use permit for the proposed use, however, the applicant should be notified early in the process if a significant issue exists or denial of a permit seems likely. Surveys and analysis work should not begin until funding, based on estimated costs, has been deposited with the United States. Once a financial code has been established for a collection agreement, the issuing officer must monitor charges for legitimacy and accuracy. Only time and services actually expended on the application should be charged to the collection agreement. Annual leave, training, budget work, etc. are not appropriate charges. The Cost Collection Agreement will allow refunds to the applicant if costs are lower than expected (minimum of \$10), or additions if unplanned costs arise.

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This cost collection policy is waived in the following situations:

- Local, State, or Federal governments which do not charge the United States permit application evaluation and processing costs
- Permits for uses that involve community health and safety (must be approved on a case-by-case basis by the issuing officer).
- The Minnesota Chippewa Tribe – unless the proposed use involves a profit for the permittee or is outside the boundary of the reservation.
- Others as shown in CFR 251.58, section f.

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10. Land and Water Conservation Fund Act of September 3, 1964 (16 U.S.C. 4601). Permits.
11. Act of October 13, 1964 (16 U.S.C. 532-538). Easements.
12. Act of October 21, 1976 (43 U.S.C. 1701). Easements, leases, and permits.
13. American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996). Permits.
14. Archeological Resources Protection Act of 1979 (16 U.S.C. 470). Permits.
15. Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3210). Easements and permits.

2710.12 - Regulations

The principal regulations of the Secretary of Agriculture that are applicable to Forest Service special use authorizations are in Title 36, Code of Federal Regulations, Part 251 (36 CFR part 251) (FSM 2701).

2710.2 - Objective

(For direction on objectives, see FSM 2702.)

2710.3 - Policy

(For further policy direction, see FSM 2703.)

Ensure that the correct instruments (FSM 2710.1) are used to authorize the occupancy and use of National Forest System lands. If uncertain of which instrument to use, request technical assistance from the next higher organization level before proceeding.

2710.4 - Responsibility

Refer to FSM 2704 for responsibilities and delegations of authority relating to special use authorizations.

2710.5 - Definitions

See 36 CFR 251.51 and FSM 2705 for definitions of the terms used in this chapter.

2711 - AUTHORIZATIONS

2711.1 - Temporary Permit

