

Temporary Fee Adjustment Request Letter (draft)

EXPLANATION

On an occasional basis, the use of or access to recreation residences is restricted or prevented due to reasons beyond the control of the permit holder. Closures may be formally directed by Forest Service orders or in other cases may be caused by acts of nature such as the current COVID-19 pandemic, in which case the event and its effect on use or access will need to be documented and explained by the cabin owner.

If such restricted use or prevented access should extend beyond a nominal period of perhaps one month, the holder of a recreation residence permit may request the Authorizing Officer -- usually the District Ranger -- to place the authorization in a "non-use" status which would result in a waiver or reduction of special use fees for the period of non-use. While there is no period of denied use defined in the FS regulation, one month is suggested here to avoid creating excessive administrative work for what could be a minimal dollar reduction. This, of course, is up to the individual permit holder.

The Forest Service Handbook section pertaining to fee reductions follows:

Forest Service Handbook 2709.11, Chapter 30

31.23 - Temporary Fee Adjustments

1. Non-Use. The authorized Forest Service officer may place a use authorization in a non-use status when such action is necessary for the protection of the interest of the United States, or when circumstances beyond the holder's control deny the holder the use of the authorization. Placing an authorization in non-use status fully waives fees for that period. The holder may not use the area for the use authorized during the non-use period; however, the holder must maintain the premises and improvements in a satisfactory condition.

Following below is a Sample Request Letter which might be used by a permit holder to request a fee waiver or reduction in the event of a non-use event. It is recommended that a hard copy letter be sent -- perhaps with an additional copy by email -- to establish documentation of this request. Also, make sure that you only send copies of attachment documents and not the originals.

Note that the cited Forest Service regulation states that the authorized officer "may" place a use authorization in non-use status. This regulation authorizes the officer to adjust the fee, but does not obligate them to do so. In other words, your letter needs to be a request for a fee reduction, not a demand.

In some states and counties, there may also be property or possessory interest tax implications related to restricted access, however, these are beyond the scope of this discussion and draft letter.

SAMPLE REQUEST LETTER

[Date]

[Individual's Name], District Ranger
[Name] Ranger District
[Name] National Forest
USDA Forest Service
[Address]

RE: **Request for Special Use Fee Adjustment for Restricted Access**
Term Special Use Permit Contact ID#: [Insert number from permit]
Residence Tract Name & Cabin Number: [insert]

Dear (Mr./Ms.) (insert District Ranger's last name):

As you may be aware, my Recreation Residence cabin identified above has been unavailable for use in accordance with our Special Use Permit since (insert date when access or use was suspended or became unavailable or cite Forest Service order if appropriate). Effective this date, (Describe the reasons here for lack of access or inability to use the cabin. For example, issuance of a formal closure order by the Forest Service or storm damage to the access road). It is presently unclear how long access to or use of our recreation residence will be unavailable.

The described circumstances are beyond my control as described in Forest Service Handbook 2709.11, Chapter 30, subsection 31.23 – **Temporary Fee Adjustments**.

Pursuance to the Forest Service Handbook, I hereby request that my special use fee for the period of my restricted use be waived or reduced, beginning with the date of closure or non-use until such time as access and use is fully restored. If the reduced fee is issued as a credit, we ask that it be applied to next year's fee. If the closure or period of non-use extends past the end of this calendar year, I request that any credit from this current year be applied to next year's fee and that credit for non-use during the next calendar year be accrued and credited to the subsequent year's fee.

Attached to this request are documents pertaining to the nonavailability of my recreation residence. I look forward to your consideration of my request.

Sincerely,

[Permit holder name]
[Permit address of record]

Telephone: () ____ - _____

Email:

xc(w/Att): (Name), Forest Supervisor
 (Name), Special Uses Permit Administrator

Enclosures: (list and attach a copy of the face page of your permit and any announcements, press releases, news stories, photos or other documents to support your claim of unavailable access or use)