



RECREATION RESIDENCES MOUNTAIN TOP RANGER DISTRICT SAN BERNARDINO NATIONAL FOREST

Recreation Residences are cabins on National Forest System lands, owned and taken care of by private parties. The land is not "leased" as is often the belief, but rather "permitted" to the cabin owners (permittees). The special use permit does not convey any interest in real property, but it permits the permittee to maintain the cabin on National Forest land. Permittees are responsible for using the land in accordance with all laws and regulations that govern the land. The Forest Service continues to manage the land to protect the resources.

There are currently 444 recreation residences in the Big Bear area and 13 in the Lake Arrowhead area. These are authorized by "Recreation Residence Special Use Permits" issued by the local District Ranger. The lots were originally designated in the early 1900's for construction of cabins to acquaint the public with the recreation opportunities of the National Forest and originally referred to as "summer homes." The Forest Service does not permit full time occupancy of the cabins, cabin owners must maintain a full time permanent residence elsewhere.



The Forest Service realizes the need for certain amenities (electricity, telephones), these requests are handled on a case-by-case basis. With respect to new or upgrading utilities (electric and telephone), these services must be installed underground. All requests must be in writing. Response time to requests for improvements is generally within six weeks but could be longer during the fire season. After approval is obtained, permittees are required to obtain the necessary permits from the County of San Bernardino. All work on cabins on National Forest land must be done in compliance with the San Bernardino County Building and Safety Codes.

Until archaeological and architectural surveys are completed and evaluated no plans for cabin additions and exterior alterations will be accepted.

The management of the ten tracts in which the cabins rest is designed to maintain the Forest environment for the use of the cabin owners and the general public. With this in mind, there are certain restrictions, for example, fences and mailboxes are not permitted. Access roads are generally narrow and winding, conforming to the natural terrain and are maintained by the permittees. Only plants and shrubs native to the local environment are allowed as mitigation measures for erosion control, vegetable and flower gardens are not permitted. Paint colors allowed on cabin exteriors are chosen based on their ability to blend with the forest environment surrounding the cabin.



It is each permittee's responsibility to keep their area in a fire safe condition. This includes pine needle and leaf removal from roofs, maintaining a 30 foot perimeter around the structure clear of dead and flammable materials, spark arresters, no wood fires outside, etc. Random fire prevention inspections are done year around. If any deficiencies are found the permittee could be subject to a citation.

Most cabins sales are handled by local realtors. The Forest Service is to be notified when a cabin is listed for sale. We do an inspection and if there are any hazards or poor conditions known they must be corrected prior to the close of escrow. The buyer must meet with the Forest Service prior

to the close of escrow to go over the terms and conditions of the Special Use Permit. In signing the permit, the new owner agrees to the terms of the permit. Each new permit is issued for the balance of time remaining on the existing permit, all permits on the San Bernardino National Forest expire December 31, 2008. The permit can only be issued to a single individual or a husband and wife. Permits cannot be issued to corporations or businesses.

The cabins are considered personal property rather than deeded property. The escrow company may contact the office of the Secretary of State of California to check for outstanding loans and/or liens the seller may have with the previous owner. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan. As personal property, they are subject to annual unsecured personal property taxes (possessory interest tax). This office does not maintain this information as the taxes are based on appraisal by the County Assessor.

There is an annual Land Use fee charged by the Government. These fees are based on the land value on which the cabin rests. Fees are based on appraisals which consider location, slope, cover, access and view and vary from approximately \$700.00 to \$2,800.00 annually. Land use fees are adjusted annually based on national economic indicators and have averaged a 2-4% increase per year for the past 15 years. Appraisals are conducted every 10 years, and the lots will be re-appraised in 2008. These fees are billed annually in January and are due and payable March 1st. After March 1st, they are subject to interest and penalties.

For further information, contact the Big Bear Ranger Station (909) 382-2790 or the Skyforest Ranger Station (909) 382-2758, Monday - Friday.

Big Bear

TRACT	# OF CABINS	LOCATION
Big Bear	244	On the south shore of the lake from Fisher Cove to the dam. On the north shore from the dam to Fawnskin.
Willow Glen	6	North end of Canyon Drive in Fawnskin.
Poligue Canyon	24	One mile west of Ranger Station on North Shore Drive and 2N09.
Lakeview	95	From 1/4 east of the Ranger Station to the Rifle Range.
Pine Knot	9	Southern boundary with the City of Big Bear Lake.
Metcalf Creek	68	South off of Mill Creek Road near the City of Big Bear Lake.

Arrowhead

TRACT	# OF CABINS	LOCATION
Alder Canyon	2	Off of Crest Forest Road 1/2 mile east of Cedar Pines Park.
Crest Road	1	Highway 18 near Skyforest Ranger Station.
Hook Creek	1	2 miles east of Lake Arrowhead on FS road 2N26 (Hook Creek Road).
Snow Valley	9	Across Highway 18 from Snow Valley Ski Area.

What is a Special Use Permit?

In order to help the public better understand the nature of the ownership, type of permit, etc. that individuals who own cabins on National Forest System land have, we have researched several of the terms we commonly use in reference to privately owned cabins that occupy public lands.

Two of the statutory authorities we use to issue special use permits are: Organic Administration Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 477-482, 551); this act authorizes the Secretary of Agriculture to issue rules and regulations for the occupancy and use of National Forests. And, Occupancy Permits, The Act of March 4, 1915, as amended July 28, 1956 (38 Stat. 1101; 16 U.S.C. 497), which authorizes term permits for structures or facilities on National Forest System land, and sets maximum limits of 80 acres and 30 years. This is the act that is usually referred to when citing the authority for recreation residence permit issuance.

The regulations that provide direction for special uses management on National Forest System lands are found in: Title 36, Code of Federal Regulations, Part 251, Subpart B and Forest Service Manuals and Handbooks. In 36 C.F.R. 251 Subpart B Section 251.51 a special use permit is defined as "a special use authorization which provides permission, without conveying an interest in land, to occupy National Forest System land or facilities for specified purposes, and which is revocable and terminable."

A term special use permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall the permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). The loss of the privileges granted by a permit by revocation, termination or suspension is not compensable to the holder. Term permits are also not assignable or transferable and terminates upon the change in ownership, "This permit is not transferable. A purchaser or transferee of the recreation residence covered by this permit must apply for and obtain a new permit from the Forest Service." (FS-2700-5a, VII.B). Further, the Forest Service does not require the sellers obtain our consent for the sale of the improvements. However, there is no obligation on the part of the Service to issue a new permit to the person or persons acquiring the improvements.

A recreation residence is not considered as "real property", they are located on land owned by the United States and cannot be deeded. Counties throughout the State of California have the constitutional authority to tax the owners of personal property on NFS lands even though the fee title to the land is in the name of the United States.