



NATIONAL FOREST HOMEOWNERS

"To ensure continued enjoyment of forest homes"

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Dr. Mr. Lee:

National Forest Homeowners is a not for profit member group that represents holders of permits to maintain recreation residences (summer homes, many of which are cabins) on lands administered by the USDA Forest Service, and the families and friends of those permittees. Those whose summer homes are in National Forests located in the State of California will be affected by your work in updating the Water Quality Management Plan (WQMP) for these lands. There are approximately 6000 of such summer homes, and each represents many more affected users of those summer homes. We are very concerned that the final WQMP might have an unanticipated effect on those homes, and believe that this can best be avoided if the participants in its creation have a complete understanding of the nature of the use, and the unique challenges having a summer home on federal land entails.

Evidence of the tradition of summer homes for fishing and hunting dates to the early 1870s, pre-dating by at least two decades the establishment of federal forest reserves in 1891. The Organic Administration Act of 1897 opened the forest reserves to the public, making it possible for federal managers to permit additional use of these resources. However, the one-year permit that allowed cabin construction in these early years made investment risky and, as a consequence, only marginally popular. Congress eliminated this obstacle in 1915 with the passage of the Act of March 4, 1915 providing the authority to set aside land, not exceeding five acres, for construction of summer homes with multi-year occupancy permits. Many cabins in California date back to those early years.

In this early era, families traveled rather substantial distances in primitive vehicles

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over uncertain roads in order to build modest cabins on roughly quarter-acre forest lots. For many of these tracts, the means of access today continues to be primitive and may involve a final stretch on foot or by boat. Weather in some forests limits access to fewer than six months each year. As technology became available in some of these rural areas, cabin owners banded together to provide water systems, electricity, fire protection and road and trail maintenance. At its peak, the program authorized nearly 20,000 cabins. Today, fewer than 15,000 cabins are administered by the agency, nearly 5,000 having been taken out of public land ownership through land exchanges or lost to natural disasters.

The rights and responsibilities of cabin owners have evolved over nearly a century. Congressional concern about lack of consistent management in the program led in 1969 to issuance of 20-year term Special Use Permits. Management of this program by the Forest Service is governed by the agency's Recreation Residence Policy, published June 2, 1994. Except for modifications in appraisal methodology enacted by Congress in 2000, few changes have been made in this Policy until just recently with the unpublished issuance of interim regulations restricting water rights. Further, an amended permit with a 2006 date was recently sent to permittees for signature. The changes in the new permit were never published in the Federal Register, as opposed to the previous regulations which included the permit language. Discussions are ongoing on the reach of this action.

As might be expected in the use of federal lands by private individuals, restrictions on use of these cabins under the Policy are numerous. Permit terms are limited to a maximum of 20 years. If there is another need for the land on which the cabin sits, all improvements must be removed at the cabin owner's expense with 10 years notice. With less than 10 years notice, the expense of removal is not that of the cabin owner, who does receive fair value for its involuntary abandonment. Year-round permanent residency is not allowed, nor is use as a rental property except for a 2 week maximum on previous written approval by the Forest Service. Forest and regional restrictions also include limitations on the square footage of the structure, types of vehicles that may be stored near the cabin (no recreational vehicles, boats, their trailers, or motor homes), outbuildings (generally limited), fencing (prohibited), garden cultivation (prohibited) and color of paint. Individual permits contain additional restrictions reflecting unique local circumstances and management needs. In addition, many of these cabins are now classified as historic and some tracts have been listed in the National Registry of Historic Places.

Common to all permits, the right to occupancy and use is not exclusive. An owner's family has the right to security and privacy only within the walls of their cabin, not on the grounds. All land within a recreation residence tract is open to the general public, who may hike, camp or picnic on lands between the cabin structures. Many cabin associations welcome and encourage other forest visitors, sponsoring interpretive trails and information kiosks to foster responsible shared use of tract sites and the forest resources that surround the area. A cabin tract is used as a valuable buffer between more intensive day uses or campgrounds and less intensive uses such as backcountry or wilderness areas.

Many tracts, though not all, are near water, and all have their water source on site. That source can be extremely varied. Some tracts are without electricity, and a hand pump provides buckets of water to take to the "kitchen" counter from a well hand dug 90 years ago. Some people pump water to towers to gravity feed to the cabin. Some have small water systems that supply 2 or 3 cabins. Some group together and have a water system supervised by the County in which they are located. Some have no water at all and must carry water to the cabins due to a settlement of a lawsuit over water reached between the Center for Biodiversity and the Forest Service. The cabin owners were not participants, and only found out about the lawsuit when the Forest Service required them to cease using water from the stream next to the cabins.

As direct consumers of the local water, we are always concerned about its quality. Many of us have the local water supply privately tested annually to insure that quality. Giardiasis is an ongoing concern and, as we cannot eliminate it in all local mammals, is now essentially unavoidable in mountain streams and lakes. There is no tolerance, however, for water polluted by our own use.

We are not only consumers; we are potential causes of pollution. We have roads, and are concerned about run off. We have outhouses, sealed vaults, and septic systems. Before you cringe at the "lesser" systems, consider their locations and uses. Many do not have a water supply to flush a toilet. Some are in locations that require travel by boat. Those cabins are near the water, and are required to have a sealed vault. These are summer cabins, with seasonable use. The contents of those sealed vaults are transported periodically by foot or by boat for disposal.

Even those with automobile access can have very limited locations for such disposal. There are cabins built on large granite boulders, with only one small area with soil for an outhouse. A sealed vault would have to be built above ground. But the seasonal nature of the use results in complete digestion of the contents of the pit toilet each year.

It was this kind of diverse disposal issue that was faced when the permits on the Eldorado National Forest were up for review in 2005. The Forest Service went to the Regional Water Board and received one answer: removal of all outhouses. There are approximately 1000 cabins on the Eldorado National Forest. Removal of all current systems, which were operating in a manner causing no problem, would have been difficult. There were not enough backhoes to do this in one summer. Getting the backhoes to the desired locations was in some cases impossible. In other cases, there was inadequate soil in which to dig. The cabin owners group, the Forest Service and the County were able to work out another solution. The cabin owners paid for the retired head of the Environmental Health Department to inspect the disposal systems of all cabins on the Eldorado. This allowed the County to obtain a Water Quality Agreement with all cabin owners asserting no current problem and promising to fix if in the future any problem arose. Those few problem locations were either monitored and found not to be a problem, or repaired. This was a success story for this process. Other Counties, coming later to this process, have been less cooperative, unable to conceive of a non-city use.

Even when a cabin owner installs a septic system, it is seldom the standard variety. Soils in the mountains often drain quickly. And if one is using a boat toilet, a small well, and little water per day, even a soils engineer has a difficult time obtaining county approval of a system that takes into account the fact that there will not be anywhere near the gallons per day requirement of a standard system.

These are unique locations and needs. Any rules dealing with them need to be flexible to meet their needs. But these summer homes are among the last of the concerns for water quality. We drink water from the same locations in which we dispose of it. We have very good reason to see that the water stays clean.

We would like to see that the WQMP allows local forests and governments to deal with the recreation residence program with the greatest of flexibility. This is a valuable program that provides many visitor hours to the forest in a fairly benign manner. Today, land set aside for this purpose is less than .002% of all National Forest lands. Over 600,000 recreation visitor days occur each year on this small footprint, and in 2006 the fees paid by cabin owners—approximately \$12.5 million each year—more than pay for the program's administrative costs according to the Forest Service's own accounting. The value to the local government in taxes paid and in all the purchases made locally to support a summer home is worth preserving. But if the cost of adding a city type system is imposed that makes the cost prohibitive or imposed where the location make this prohibitive, then we will see unnecessary losses to the program. We are already seeing losses due to radically increasing permit fees. Please, do not add to the burden.

As to the makeup of the stakeholders' committees, it seemed from the meeting in Sacramento that all the environmental groups were represented, and parceled out to each potential "representative" group. This threatens to overwhelm the stakeholder committee. Some attempt should be made to offset that imbalance, without muffling their often valuable input. While a decision was made to provide the recreation residence permittees access to the stakeholders' group through a representative of those who live in or near the forests, our two interests may not always coincide. These cabins were built in a different era and often were not updated with the times. Their owners want to keep them that way. This may not be the best of all fits, but we will participate in this process in whatever manner we can.

Finally, thank you for the opportunity to be involved in this process. We hope to bring to it our specialized knowledge.

Very truly yours,

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