



**FOREST SERVICE HANDBOOK
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FSH 2709.11 - SPECIAL USES HANDBOOK

CHAPTER 10 - APPLICATION AND AUTHORIZATION PROCESSING

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Digest:

19, exhibit 02 – Establishes storage and use of explosives as a unique use. Assigns a use code, and identifies the authority, authorization, form, and term length to be used when storage and use of explosives are the only uses being authorized. Corrects clerical errors. Updates terminology.

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10.1 - Authority

Title 36, Code of Federal Regulations, Part 251, Subpart B (36 CFR part 251, Subpart B), is the principal authority for screening special use proposals, filing and processing special use applications, and preparing authorizations.

See FSM 2701 and 2710.1 for further direction on statutory authorities, regulations, and requirements governing special use authorizations. Exhibit 02 in section 19 is a guide to special use authorizations that summarizes the legal authorities, authorization documents, and terms for authorizing them.

10.2 - Objectives

See FSM 2702 for additional objectives for the special use application and authorization process.

The objectives of the special uses application and authorization process are to:

1. Provide timely responses to proponents and applicants requesting use of National Forest System lands.
2. Provide a consistent decision-making process for special use applications.
3. Ensure that authorizations to use and occupy National Forest System lands are in the public interest (36 CFR part 251, Subpart B).
4. Ensure that authorizations to use and occupy National Forest System lands comply with Forest land and resource management plans.

10.3 - Policy

Also see FSM 2703 for further direction.

1. Within 60 days of receipt of a proposal to use National Forest System lands, notify proponents of the suitability of the proposal and whether the Agency will give further consideration of the project (sec. 12).
2. Provide information and advice to proponents in preparing their applications to focus the range of alternatives during the environmental analysis process.

10.4 - Responsibility

See FSM 2704 for additional positions with responsibilities in the special use application and authorization process.

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10.41 - Authorized Officer

See section 10.5 for the definition of “Authorized Officer.”

It is the responsibility of the Authorized Officer to:

1. Meet with the proponent to discuss proposals to use National Forest System lands or direct a fully qualified representative to make the contact (sec. 10.42, para. 3).
2. Approve applications for the use of National Forest System lands when appropriate (FSM 2703.3).
3. Deny proposals and applications to use National Forest System lands that are not consistent with the management of the National Forests (FSM 2703.2).

10.42 - Case Manager

See section 10.5 for the definition of “Case Manager.”

For routine proposals, a Case Manager shall meet the competency requirements for a special uses administrator and shall have the knowledge and experience commensurate with the type and complexity of the proposed use; for unusual and complex uses, such as those typically issued on term permits, leases, or easements, the Case Manager shall meet the competency requirements for a special use specialist or must work directly under a specialist’s guidance.

It is the responsibility of the Case Manager to:

1. Provide information and guidance to proponents and applicants as needed.
2. Process a proposal or application in compliance with 36 CFR 251.54 and the provisions of this chapter from the initial contact to the denial or authorization of the use.
3. Represent the Authorized Officer, when directed, during the review and permitting process.
4. Provide technical assistance and input during the environmental analysis process.
5. Make recommendations to the Authorized Officer on the suitability of the proposed use or application.
6. Prepare a special use authorization for the Authorized Officer's signature.

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10.5 - Definitions

See FSM 2705 and 36 CFR 251.51 for additional definitions.

Application. A request to use National Forest System lands that has passed initial and second-level screening (sec. 12.2 and 12.3) and that has been accepted formally by the Agency for further consideration.

Authorized Officer. Any employee of the Forest Service who has been delegated the authority to perform the duties described in FSM 2704.

Case Manager. A special uses administrator qualified to process a special use proposal and application from initial contact with the proponent to denial or authorization of the use.

Planning Permit. A permit issued to a proponent authorizing minor disturbance of a site named in a special use proposal to gather information and data needed to develop the proposal. Planning permits usually are granted in connection with major development proposals and are categorically excluded from environmental analysis under the National Environmental Policy Act (NEPA; FSH 1909.15, ch. 30).

Proponent. A person or entity that submits a proposal to use or occupy National Forest System lands.

Proposal. A request to use National Forest System lands that has not passed the initial or second-level screening and that has not been accepted by the Forest Service as a formal application (sec. 12).

Solicited Proposal. A proposed use of National Forest System lands that is initiated by the Forest Service.

Unsolicited Proposal. A proposed use of National Forest System lands that is not initiated by the Forest Service.

11 - OVERVIEW OF SPECIAL USES PROPOSAL, APPLICATION, AND AUTHORIZATION PROCESS

Authorizations to occupy and use National Forest System lands and related waters are initiated either by unsolicited proposals (sec. 12) or through Forest Service solicitation (FSM 2710).

In addition to new proposals, the following require initial and second-level screening before consideration as an accepted application:

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1. Proposals to amend a current authorization.
2. Proposals involving new construction, reconstruction, or boundary adjustments.

A change in ownership of authorized improvements may require review under some of the criteria in a second-level screening, such as technical and economic capability of the new owner of the improvements.

Section 19, exhibit 01 summarizes the sequence of steps in the special uses proposal, application, and authorization process. Section 19, exhibit 02 summarizes the appropriate authority, authorization type and form, and recommended maximum term for each type of special use activity.

11.1 - Oversight and Jurisdictional Responsibilities of Other Agencies

Special application procedures may apply to proposals regulated by other agencies, such as hydropower projects licensed by the Federal Energy Regulatory Commission (sec. 11.13; FSM 2770; FSH 2709.15); highway rights-of-ways granted to public road agencies by the Federal Highway Administration; and oil and gas pipelines 24 inches or larger in diameter, which require Congressional notification (sec. 11.12); and so forth.

11.11 - Electric Power Transmission Lines with Capacity of 66 Kilovolts or Higher

For related requirements, see 36 CFR 251.54(f)(2).

Proponents of a major development may submit a request for a planning permit of up to 10 years in duration. Requests for a planning permit must include the information contained in paragraphs (d)(1) through (d)(3) of 36 CFR 251.54. Upon completion of a master development plan developed under a planning permit, proponents may then submit a request for a long-term authorization to construct and operate the development. At a minimum, a request for a long-term permit for a major development must include the information contained in paragraphs (d)(1) and (d)(2)(ii) through (d)(5) of 36 CFR 251.54. Issuance of a planning permit does not prejudice approval or denial of a subsequent request for a special use permit for the development.

11.12 - Oil and Gas Pipelines 24 Inches or Larger in Diameter

For related requirements, see 36 CFR 251.54(f)(1).

Section 28(w)(2) of the Mineral Leasing Act of 1920 (30 U.S.C. 185(w)(2)) requires the Forest Service to notify the Senate Energy and Natural Resources Committee and the House of Representatives Resources Committee when a request has been made to use National Forest System lands for oil or gas pipelines 24 inches or larger in diameter. When a proposal for an oil or gas pipeline 24 inches or larger in diameter is accepted as a formal application, the regional office, Director of Lands or equivalent official, shall forward to the Washington Office, Director

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of Lands, a copy of the application to forward to the appropriate committee chairperson. If a decision is made to approve the project, the regional office, Director of Lands or equivalent official, shall forward to the Washington Office, Director of Lands, a copy of the decision notice and proposed special use authorization to forward to the appropriate committee chairperson.

11.13 - Federal Energy Regulatory Commission Hydropower Projects

The Forest Service has the authority under the Federal Power Act of 1924 (16 U.S.C. 791 et seq.) to require stipulations to hydropower licenses issued by the Federal Energy Regulatory Commission (FERC). Authorities, responsibilities, and other direction related to FERC-regulated hydropower projects are contained in FSM 2770.

11.14 - Who May Hold Special Use Authorizations

Unless specifically excepted, individuals, business entities, corporations, partnerships, associations, municipalities, or agencies of Federal, State, or local governments may hold a special use authorization.

1. Nondiscrimination. Do not discriminate against a proponent because of race, color, religion, sex, age, disability, marital status, or national origin (FSM 1780).
2. Prohibited Authorizations. Do not issue a special use authorization to individuals and other entities when the following criteria apply:
 - a. Citizens of countries other than the United States may hold authorizations, except for oil and gas pipelines, and except where the laws, customs, or regulations of the other country deny similar privileges to citizens or corporations of the United States (36 CFR 251.54(f)(1)(i)).
 - b. Members of Congress and resident commissioners are prohibited by Federal law from holding certain types of authorizations (18 U.S.C. 431-433).
 - c. Forest Service employees should first obtain guidance from the appropriate agency official prior to considering a request to obtain a special use authorization (FSM 6174).

11.2 - Initial and Second-Level Screening

1. Initial and second-level screening (as established in 36 CFR 251.54 applies to all requests to use National Forest System lands, except for:
 - a. Proposals involving noncommercial group use. These requests are governed by separate procedures in section 17.4 of this Handbook and 36 CFR 251.51, 251.54 and 261.

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- b. Solicited proposals. These proposals are governed by separate procedures in section 13.
- c. Proposals involving existing rather than proposed uses (36 CFR 251.64).
 - (1) Proposals to replace an authorization that has terminated because the term of the authorization has ended, and continued use does not involve new construction or expanded use or occupancy of National Forest System lands beyond what was previously authorized.
 - (2) Proposals involving change of ownership of authorized improvements or change of ownership or control of the business entity.
- 2. Proposals involving existing uses do not have to be submitted as proposals first and then accepted as applications. Rather, proposals involving existing uses are immediately accepted as applications upon submission. In reviewing an application involving an existing use, the Authorized Officer shall consider:
 - a. Whether the proposed use would conform to the applicable Forest land and resource management plan;
 - b. Whether the area requested is still being used for the purposes for which it is or was authorized;
 - c. Whether the holder is in compliance with the terms and conditions of the authorization; and
 - d. Whether the holder has the technical and financial capability to continue to undertake the use and to fully comply with the terms and conditions of the authorization. If an applicant has been debarred or suspended pursuant to 2 CFR Parts 180 and 417, the debarment or suspension itself may not be a factor in evaluating the applicant's proposal. However, the underlying conduct that led to the debarment or suspension may be taken into account in evaluating the applicant's technical ability. Any consideration of the underlying conduct that led to a debarment or suspension must also include consideration of any changes that the applicant has made to address the conduct since being debarred or suspended.

If significant new information or circumstances have arisen, additional environmental analysis may be required before the use may be reauthorized.

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11.21 - Initial Screening of Proposal

For related requirements, see section 12.2 and 36 CFR 251.54(e)(1)-(4).

The Authorized Officer should meet with a proponent to discuss the nature of the proponent's request and provide the proponent with the guidelines the Agency uses to evaluate proposals. At this stage, however, it may not be necessary for the proponent to supply the Authorized Officer with detailed information and studies, or even a written proposal. Conceptual proposals may be sufficient for the Authorized Officer to determine if the proposed use is consistent with existing laws, regulations, the applicable Forest land and resource management plan, and any other requirements (36 CFR 251.54(e)(1)).

11.22 - Return to Proponent or Further Screening of Proposal

1. As provided in 36 CFR 251.54(e)(2), the Authorized Officer shall return to the proponent without further consideration any proposal that does not meet the initial screening criteria.
 - a. If the proposal is presented orally, the Authorized Officer may respond with an oral explanation of why the proposal did not meet the initial screening criteria and is being returned to the proponent.
 - b. If the proposal is made in writing, the Authorized Officer shall return the proposal and provide the proponent with a written explanation of why proposal did not meet the initial screening criteria.
2. Proposals that pass the initial screening process are further evaluated in the second-level screening process (sec. 12.3; 36 CFR 251.54(e)(5)).

11.23 - Second-Level Screening of Proposal

The special uses rules (36 CFR 251.54(e)(5)) provide that after a proposal passes the initial screening, the Authorized Officer shall determine if the proposal meets the second-level screening criteria set out in sections 12.32a through 12.32c.

11.24 - Denial of Proposal or Acceptance of Proposal as Application

For the related regulatory requirements, see 36 CFR 251.54(g)(1).

The Authorized Officer shall deny any proposal that fails to meet the second-level screening criteria and shall return the proposal to the proponent with a written explanation of the denial (sec. 12.4). If the second-level screening criteria are met, the Authorized Officer shall notify the proponent that the Agency is prepared to accept a written formal application for further evaluation (sec. 12.5).

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11.25 - Evaluation of Proposed Action in Application

For related regulatory requirements, see 36 CFR 251.54(g)(2).

No environmental analysis is conducted of the proposed use until it passes initial and second-level screening (36 CFR 251.54(e)(6)). Once the proposed use passes initial and second-level screening, the Authorized Officer shall conduct the appropriate level of environmental analysis of the proposed action and may request additional information from the applicant to evaluate fully the proposed use and its effects on National Forest System lands and resources. The proposed action is the use requested, not the issuance of the authorization.

11.26 - Decision to Approve or Deny Application and Proposed Use

For related requirements, see section 12.6-12.62 and 36 CFR 251.54(g)(4).

After evaluating the application, the Authorized Officer shall make one of the following decisions:

1. Approve the proposed use as submitted,
2. Approve the proposed use with modification(s), or
3. Deny the proposed use.

11.3 - Forms for Requesting Use of National Forest System Lands

1. Proposals/Applications. Encourage proponents and applicants to submit proposals and applications on the appropriate standard forms. These forms include:
 - a. SF-299, Application for Transportation and Utility Systems and Facilities on Federal Lands.
 - b. FS-2700-3b, Special Use Application and Permit for Noncommercial Group Use.
 - c. FS-2700-3c, Special Use Application and Permit for Recreation Events.

The Authorized Officer may accept requests to use National Forest System lands in other formats if they describe the proposed use in sufficient detail for the Authorized Officer to make a decision on the request in accordance with regulatory requirements.

2. Transfers/Changes in Ownership. Except for situations that allow for the transfer of leases and easements (36 CFR 251.59), encourage the current owner(s) and new owner(s) to use form FS-2700-3a, Holder Initiated Revocation of Existing Authorization; Request

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for a Special-Use Permit or Term Special-Use Permit, when there is a change in ownership of the authorized improvements or a change in ownership or control of the business entity and when there is no proposed change in the scope or nature of the current use.

12 - RESPONDING TO PROPOSALS SUBJECT TO INITIAL AND SECOND-LEVEL SCREENING

Where the Agency has advance notice of likely proposals, employees should advise the proponent to contact the Forest Service administrative office responsible for managing the affected land as early as possible for pre-application discussions before submitting a proposal (36 CFR 251.54(a)). Early contacts help the Authorized Officer gain a preliminary understanding of the proposal and establish a basis for further communication with the proponent. A discussion during this period may provide the proponent the opportunity to reconsider or revise the proposal or relocate the proposed use.

12.1 - Pre-Application Meeting

In a pre-application meeting, explain to the proponent the information required in proposals (sec. 11) and the terms and conditions that would be required if an authorization is issued for the requested use. Emphasize that the terms and conditions are not negotiable. If the proponent would be unwilling to accept all the terms and conditions of the authorization, inform the proponent that it may be advisable to consider other options, such as non-National Forest System lands.

At a minimum, advise the proponent of and discuss the following points in the pre-application meeting:

1. The proposal must pass the nine criteria in the initial screening process to be considered for further screening (sec. 12.2).
2. Preference in processing applications and issuing authorizations is given to uses that offer public services and benefits over private uses.
3. Special application procedures may apply to a particular land use or administrative unit.
4. A proposal for a commercial use may involve a competitive interest determination and Forest Service solicitation (sec. 13).
5. A planning permit issued on form FS-2700-4 may be required for complex or sensitive proposals. A planning permit may be issued for up to 10 years. Issuance of planning permits may be categorically excluded from environmental documentation pursuant to FSH 1909.15 (36 CFR 251.54(g)(2)(v)). However, requests for a planning permit still

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must clear initial and second-level screening (sec. 12.2 and 12.3). Upon completion of the on-the-ground investigations and master development plan, the proponent may then submit a request for a decision to approve the application and to issue the appropriate authorization.

When requested by the proponent, the Authorized Officer and other Forest Service officials shall keep confidential, to the extent reasonable and authorized by law, any project and program information revealed during the pre-application process (36 CFR 251.54(e)(4)).

12.11 - Content of Proposals

The special use regulations require that any proponent for a special use authorization must provide the name and mailing address of the proponent or, if the proponent is not an individual, the name and address of the proponent's agent who is authorized to receive notice of actions pertaining to the proposal (36 CFR 251.54(d)(1)). The rule distinguishes information required for proposals for noncommercial group uses from that required for all other special uses. Information required for proposals for special uses other than noncommercial group use is set out in section 12.11a. Information required for proposals for noncommercial group use is set out in section 17.41.

12.11a - Proposals for All Special Uses Other Than Noncommercial Group Use

1. Proposals for special uses, other than noncommercial group use, must contain at a minimum (36 CFR 251.54(d)(2)(ii)):
 - a. Sufficient evidence that the proponent has or will have, prior to commencement of construction, the technical and financial capability to construct, operate, maintain, and terminate the proposed use (36 CFR 251.54(d)(3)).
 - b. Except for requests for a planning permit for a major development, a description of the project, including maps and appropriate resource information, in sufficient detail to enable the Authorized Officer to determine the feasibility of the proposed use or activity; any benefits to be provided to the public; safety issues associated with the proposal; the lands to be occupied or used; the terms and conditions to be included in the authorization; and the proposal's compliance with applicable laws, regulations, and orders (36 CFR 251.54(d)(4)).
 - c. Any other information and data requested in writing by the Authorized Officer that are needed to determine the feasibility of the proposed use; the proposal's compliance with applicable laws, regulations, and orders; the proposal's compliance with requirements for clearances, certificates, permits, or licenses; and suitable terms and conditions to be included in the authorization (36 CFR 251.54(d)(5)).

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2. In addition, if requested by the Authorized Officer, proponents in one of the following categories must furnish the information specified for that category (36 CFR 251.54(d)(2)(ii)(A)-(E)):

- a. State or Local Government Agency. A copy of the authorization under which the proposal is made.
- b. Public Corporation. The statute or other authority under which it was organized.
- c. Federal Government Agency. The title of the Agency official delegated the authority to submit the proposal.
- d. Private Corporation.

(1) Evidence of incorporation and current good standing;

(2) If reasonably obtainable by the proponent, the name and address of each share holder owning three percent or more of the proponent's shares, and the number of the proponent's shares and percentage of any class of the proponent's voting stock of the shareholder is authorized to vote;

(3) The name and address of each of the proponent's affiliates;

(4) In the case of an affiliate controlled by the proponent, the number of the affiliate's shares and the percentage of any class of the proponent's voting stock owned by the proponent, either directly or indirectly; or

(5) In the case of an affiliate that controls the proponent, the number of the proponent's shares and the percentage of any class of the proponent's voting stock owned by the proponent, either directly or indirectly.

e. Partnership, Association, or Other Unincorporated Entity. A certified copy of the partnership agreement or other similar document, such as a charter or by-laws, establishing the entity, or a certificate of good standing under the laws of the State where the entity was established.

12.12 - Time Frame for Reviewing Proposal

The Authorized Officer shall, within 60 calendar days of receipt of a proposal, review the proposal and advise the proponent as to whether the Forest Service will accept the proposal as a formal application (sec. 12.6) or deny the proposal based on initial or second-level screening criteria (sec. 12.2 and 12.3). The 60-day period does not include periods in which the Authorized Officer is waiting for additional information from the proponent or another governmental entity needed to complete the pre-application process. The 60-day period may be extended in rare situations involving complex proposals.

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12.2 - Initial Screening of Proposals

12.21 - Criteria for Initial Screening

Screen proposals submitted orally or in writing to determine if they qualify for further consideration according to the criteria set out at 36 CFR 251.54(e)(1)(i)-(ix). Return to the proponent without further consideration any proposal that fails one or more of the minimum requirements in the nine initial screening criteria.

To receive further consideration at the second-level screening, proposals must meet all nine initial screening criteria requirements that the proposed use:

1. Is consistent with the laws, regulations, orders, and policies establishing or governing National Forest System lands (including policy in FSM 2703.1 and 2703.2); other applicable Federal laws; and applicable State and local laws.
2. Is consistent or can be made consistent with standards and guidelines in the applicable Forest land and resource management plan prepared under the National Forest Management Act and 36 CFR part 219. If a proposal is inconsistent with the Forest land and resource management plan, discuss with the proponent ways the proposal could be altered to make it consistent with the plan, such as conducting the activity at a different time or in a different location.
3. Will not create a serious and substantial risk to public health or safety. State and local officials can provide input with respect to public health and safety concerns affecting the proponent's operations and other forest resources and activities. Examples of uses that might create a serious risk to public health and safety include:
 - a. Winter sport activities adjacent to an avalanche area.
 - b. Facilities in a flood plain.
 - c. Activities or public uses in proximity to a target range.
 - d. Mixing of motorized and pedestrian activities; for example, snowmobiling and cross-country skiing on the same trails.
4. Will not create an exclusive or perpetual right of use or occupancy; that is, the proposed use would not in effect grant title to Federal land to an authorization holder or would not create the appearance of granting such a right. Examples of such uses that could in effect grant title, or give the appearance of granting such a right include:
 - a. Cemeteries, monuments, or other memorials; and
 - b. In some cases, major capital improvements by municipal entities.

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5. Will not unreasonably conflict or interfere with administrative uses of the Forest Service or with other scheduled or authorized existing uses on or adjacent to National Forest System lands.
6. Does not involve a proponent with an outstanding debt owed to the Forest Service under terms and conditions of a prior or existing authorization, unless such debt results from a decision on an administrative appeal or from a fee review and the proponent is current with the payment schedule.
7. Does not involve gambling or sexually oriented commercial services, even if permitted under State law.
8. Does not involve military or paramilitary training or exercises by private organizations or individuals, unless such training or exercises are federally funded.
9. Does not involve disposal of solid waste or disposal of radioactive or other hazardous substances.

12.22 - Decisions to Return or to Evaluate Proposals Further at Second-Level Screening

1. Return any proposal that fails one or more of the initial screening criteria in the preceding section 12.21 to the proponent with notification that the proposal does not meet the minimum requirements.
 - a. If the proposal was submitted orally, the Authorized Officer may respond orally.
 - b. If the proposal was made in writing, the Authorized Officer shall return the proposal and provide the proponent with a written explanation of the denial.
 - c. A proposal returned to the proponent in the initial screening process is not subject to environmental analysis and documentation.
 - d. Findings that a proposal fails to meet the initial screening criteria are not subject to administrative appeal.
2. As outlined in section 12.3, notify the proponent and consider further in second-level screening those proposals that meet the initial screening criteria in the preceding section 12.21.

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12.3 - Second-Level Screening of Proposals

For related requirements, see 36 CFR 251.54(e)(5)(i)-(v).

1. A proposal that passes the initial screening outlined in section 12.2 proceeds to second-level screening, unless the proposal is for a commercial activity for which there may be a competitive interest. Such proposals are processed in accordance with procedures for solicited proposals set out in section 13.
2. The Authorized Officer shall notify the proponent whose proposal passes initial screening that the proposal is subject to second-level screening. The Authorized Officer shall:
 - a. Provide the proponent clear guidance and the information necessary to proceed with the approval process, including information concerning potential land use conflicts, processing timeframes, environmental and management concerns, administrative fees, anticipated land use rental, and approvals that must be obtained from other Federal, State, or local agencies.
 - b. Identify whether on-the-ground investigations that may require a temporary use permit are necessary to consider the proposal.
 - c. Discuss the kind of authorization (temporary permit, permit, term permit, lease, or easement) and the general terms and conditions (such as tenure, insurance requirements, bonding, and so forth) that may be applicable to the proposed use.
 - d. State that the proponent is responsible for providing studies or other documentation needed by the Authorized Officer to complete the environmental analysis process and is also responsible for costs incurred in obtaining that information.
 - e. Notify the proponent for a road easement that if the application is approved, a recordable survey plat or exhibit of the right-of-way will be required.

12.31 - Content of Proposals

A proposal must provide sufficient information about a project or activity to enable the Authorized Officer to determine its feasibility, location, public benefits, and other factors against the criteria set out at 36 CFR 251.54(e)(5)(i)-(v) and sections 12.32 a through 12.32c of this handbook. The following criteria in sections 12.31a through 12.31d must be met before a proposal can be accepted as an application for further evaluation.

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12.31a - Proponent Identification

For related requirements see 36 CFR 251.54(d)(2)(ii)(A)-(E).

If the proponent has not already provided the information enumerated in section 12.11a during initial screening, the Authorized Officer may require the proponent at second level screening to provide as much information as necessary to identify the individual or entity that is requesting the use of National Forest System lands and that is responsible for adhering to the terms and conditions of the authorization.

12.31b - Project Description

For related requirements, see 36 CFR 251.54(d)(4).

The proposal must describe the proposed use in sufficient detail to identify:

1. The location and scope of the proposed use, the resources affected, anticipated improvements, and method of operation when construction is complete;
2. Construction phases and their estimated starting and completion dates;
3. Any technical requirements for development or operation of the project; and
4. Other Federal, State, and private lands affected by the proposed use and any other agencies that have licensing or regulatory authority over the proposed use.

12.32 - Criteria for Second-Level Screening of Proposals

The following criteria in sections 12.32a through 12.32c must be met before a proposal can be accepted as an application. Deny proposals that do not meet all these criteria.

12.32a - Appropriate Use of National Forest System Lands

For related requirements, see 36 CFR 251.54(e)(5)(i) and (ii).

See FSM 2703.2 regarding appropriate use of National Forest System Lands.

12.32b - Financial and Technical Capability

For related requirements, see 36 CFR 251.54(e)(5)(iii) and (iv).

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The proponent must be qualified. In addition, the proponent must demonstrate the financial and technical capability to undertake the proposed use and to comply fully with the terms and conditions of the special use authorization. The proponent must also demonstrate the technical and economic feasibility of the proposed use.

1. Financial Capability. In making a financial capability determination, ascertain whether the proponent has sufficient available funds or a firm commitment of funds to develop the proposed use to its operational phase; to operate the proposed use economically; and to maintain the proposed use according to the terms of the authorization. Verification of financial qualifications may require extensive evaluation of a financial statement prepared by an accountant that includes sources of funds to be used for development and operation of the proposed use, credit references, and financial integrity.

For proposed uses involving construction, the Authorized Officer shall ensure that the proponent has or can obtain:

- a. Cash or readily convertible assets that represent at least 25 percent of the estimated development cost of the entire proposed use; or
 - b. If the project is to be constructed in phases, cash or readily convertible assets that represent at least 25 percent of the estimated cost of the first phase of development and sufficient resources to operate the proposed use during the initial operating period.
2. Technical Capability. Determine if the proponent has the technical expertise necessary to evaluate, construct, maintain, operate, and remove the proposed use. This would include the ability to provide engineering designs and meet applicable codes and standards. If a proponent has been debarred or suspended pursuant to 2 CFR Parts 180 or 417, the debarment or suspension itself may not be a factor in evaluating the proponent's proposal. However the underlying conduct that led to the debarment or suspension may be taken into account in evaluating the proponent's technical capability. See FSM 2716.05 for definitions of debarment and suspension. See FSM 2716.82 regarding the causes for debarment and suspension). Any consideration of the underlying conduct that led to a debarment or suspension must also include consideration of any changes that the proponent has made to address the conduct since being debarred or suspended.
3. Viability of Proposed Use. Determine if the proposed use is economically feasible. Require applicants to furnish a business plan, including an income and expense worksheet, demonstrating the viability of the proposed use.

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12.32c - Signature and Acceptance of Responsibility

For related requirements, see 36 CFR 251.54(e)(5)(v).

A person or entity must be authorized to sign a special use authorization and willing to accept responsibility for adherence to the terms and conditions of the authorization.

12.4 - Denial of Proposals

For related requirements, see 36 CFR 251.54(g)(1).

The Authorized Officer shall return to proponents those proposals that fail to meet the second-level screening criteria in sections 12.32a through 12.32c and shall provide a written explanation for not accepting the proposal as an application. The Authorized Officer may reconsider proposals denied after second-level screening when the deficiencies identified in the screening process have been corrected to the satisfaction of the Authorized Officer.

Denial of unsolicited proposals is not subject to administrative appeal under 36 CFR part 215 or part 251, subpart C, and does not constitute a proposed action pursuant to 36 CFR 251.54(e)(6) and the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347).

12.5 - Acceptance of Written Applications for Proposals That Meet Initial and Second-Level Screening Criteria

For related requirements, see 36 CFR 251.54(g)(1).

If a proposal meets all of the initial (sec. 12.12-12.21) and second-level screening criteria (sec. 12.3-12.32c), the Authorized Officer shall notify the proponent that the Agency is prepared to accept a written formal application for further evaluation. As appropriate, the Authorized Officer shall provide the proponent with additional guidance and information as described in section 12.3, including identification of the Agency's procedures for processing the application and estimated time requirements.

A proposal is considered a proposed action for purposes of NEPA when it is accepted as a formal written application. Proposed actions must be evaluated pursuant to NEPA, its implementing regulations, and agency NEPA procedures (FSM 1950, FSH 1909.15).

12.51 - Evaluation of Proposed Action

The Authorized Officer may require additional information, such as archaeological surveys and rare and endangered species surveys, and so forth (36 CFR 251.54(g)(2)), to complete the environmental analysis required under NEPA. The applicant is responsible for providing this information. The Authorized Officer's requests for additional information from the applicant and the applicant's response must be in writing.

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12.52 - Environmental Analysis

1. An environmental analysis must be conducted pursuant to NEPA to determine the effect the proposed use may have on the natural and human environment (36 CFR 251.54(g)(2)). Direction for conducting an environmental analysis is contained in FSM 1950 and FSH 1909.15.

At a minimum, a "no action" and "proposed action" alternative should be analyzed.

2. The Authorized Officer may require the applicant to provide all the information needed (with respect to evaluation of the effects of the proposed use) to make a decision concerning the application. Requests for information in addition to that included in the application must be made in writing and may include such topics as cultural resource surveys and biological surveys of threatened, endangered, or sensitive plant and animal species and their habitats, and so forth. The applicant is responsible for the costs of collecting all information directly related to evaluation of the effects of the proposed use and occupancy that the Authorized Officer needs to make a decision concerning the application.

3. Costs of surveys and data collection requested by the Forest Service that are not directly related to the application shall be borne by the Forest Service.

12.6 - Decision on Application

12.61 - Decision To Approve

Notify the applicant in writing of the decision to approve the proposed use in accordance with NEPA procedures. Provide the anticipated schedule for issuance of the authorization, such as public notification requirements, appeal timeframes, and so forth. Meet with the applicant to discuss the terms and administration of the authorization.

12.62 - Decision To Deny

Return the application with a written decision documenting the reason(s) the application is denied. Specify any appeal rights the applicant may have under Title 36, Code of Federal Regulations, Part 215 or Part 251, Subpart C, if the application was solicited by the Forest Service (sec. 13).

13 - FOREST SERVICE SOLICITED PROPOSALS

See FSM 2710 for related direction.

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14 - PREPARING AND ISSUING AUTHORIZATIONS

Do not issue an authorization until all prerequisites have been met and the administrative appeal period has expired without an appeal being filed or, if an appeal has been filed, it has been resolved through all levels. It is not appropriate to use a "Letter of Authorization," a "Memorandum of Understanding," or other similar methods to authorize the use and occupancy of National Forest System lands. Authorize the use and occupancy of National Forest System lands in the appropriate format using an approved Forest Service authorization form as listed in exhibit 02 of section 19 and in exhibit 01 of section 53 in this handbook. Make no changes to a form unless such changes are specifically authorized in the form instructions or user notes. See chapter 50 of this handbook for additional direction on appropriate use of standard special use authorization forms and clauses.

Refer to section 19, exhibit 02, Special Use Authorization Guide, for the appropriate authority, authorization form, and recommended or required maximum term for each type of special use activity.

14.1 - Minimum Requirements for Authorizations

1. Ensure that all special use authorizations:
 - a. Accurately identify the holder(s).
 - b. Cite the statutory authority for granting the authorization.
 - c. Specify a term that does not exceed the term limit for the type of authorization enumerated in section 19, exhibit 02.
 - d. Accurately describe the area of use and the activity authorized. Require applicants to furnish recordable survey plats or exhibits for road easements.
 - e. Clearly state the use and privileges authorized, including improvements that may be installed or used.
2. Issue authorizations to the owner of the authorized improvements, unless the improvements are government-owned, in which case the authorization should be issued to the entity that will be operating and maintaining the authorized improvements. Identify the holder of the authorization by the name of the individual, business entity, partnership, corporation, association, municipality, or agency of the Federal, State, or local government. Do not issue an authorization identifying more than one individual or entity as the holder.

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3. Obtain the applicant's signature before the Authorized Officer signs the authorization. The Authorized Officer shall inform the applicant that the authorization must be signed and returned to the Authorized Officer within 60 days of receipt of the authorization. The holder's signature makes all terms and conditions of the authorization binding. Failure to sign the authorization within the 60-day period terminates the application and constitutes denial of the requested use and occupancy (36 CFR 251.62).

14.2 - Title VI Civil Rights Compliance

Title VI of the Civil Rights Act (42 U.S.C. 2000D-2000D-6) applies to special use authorizations when the holder provides services or facilities to the public, and the public is therefore the ultimate beneficiary of the authorization. Title VI generally applies to commercial special use authorizations because they authorize services to the public.

Title VI does not apply to special use authorizations when the holder does not provide services or facilities to the public, such as when the holder is the ultimate beneficiary of the authorization. Title VI generally does not apply to noncommercial special use authorizations because the holder is the ultimate beneficiary of the authorization. Title VI does not apply to noncommercial group use permits because the holder is always the ultimate beneficiary of the permit.

See FSM 1770 and 1780 and FSH 1709.11, chapters 70 and 80, for additional direction on Title VI compliance. If Title VI applies, the Forest Service is responsible for reviewing the holder's compliance with its provisions using form FS-1700-6, Equal Opportunity Program Delivery Compliance Review Record. Include applicable clauses from FSH 2709.11, chapter 50, in the authorization.

14.3 - Liability and Insurance Coverage

For related requirements, see 36 CFR 251.56(d) and FSM 2713.1.

15 - AUTHORIZATIONS TO OTHER AGENCIES

Do not use memorandums of understanding (FSM 1580 and FSH 1509.11, ch. 90), interagency agreements, challenge cost share agreements, or any other types of agreements in authorizing other governmental entities to use and occupy National Forest System lands. Instead, use the appropriate special use authorization. Memorandums of understanding and the other types of agreements are appropriate for establishing areas of cooperation and mutual understanding between the Forest Service and other parties, rather than for authorizing use and occupancy of Federal land. See FSH 1509.11, chapter 90, for direction on the appropriate use of memoranda of understanding and other types of agreements cited previously.

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15.1 - Federal Agencies

1. Federal agencies are units of one legal entity, the U.S. Government. The U.S. Government is self-insuring; therefore, do not require Federal agencies to provide liability insurance or bonding. In addition, do not require Federal agencies to indemnify the Forest Service. Because the Federal Tort Claims Act (28 U.S.C. 2764) binds the United States as a whole, Federal agencies may neither impose tort liability upon one another nor release one another from tort liability. However, the Forest Service cannot accept liability or costs associated with damages or possible public hazards created by another Federal agency's use of National Forest System lands. Identify potential hazards before issuance of the authorization. Resolve them by modifications of plans or written commitment by the other Federal agency to do restoration or abatement work. Withhold the authorization if the other Federal agency is unable to provide such a commitment.

2. The Forest Service cannot unilaterally suspend or revoke right-of-way authorizations issued to Federal agencies (36 CFR 251.60(c)-(d)). However, conditions providing for termination (such as specific dates, grounds for noncompliance with the authorization, and so forth) may be included in the right-of-way authorizations issued to Federal agencies and become binding on the holder.

Always include an expiration date in a special use authorization issued to Federal agencies.

3. Federal agencies are exempt from payment of rental fees for use of National Forest System lands and Government-owned improvements (36 CFR 251.57(c)). However, Federal agencies are not exempt from paying rental fees for the use of privately owned facilities and may be required to pay administrative fees for processing of special use applications and monitoring special use authorizations on National Forest System lands (sec. 31). Special use authorizations, including those issued to Federal agencies, involving Government-owned improvements that require the Forest Service to provide caretakers' services or special services, such as water, electricity, and clean-up, may require the payment of a separate fee to cover the cost of these services (36 CFR 251.57(f)).

15.2 - States and Local Governmental Entities

When the holder is a State or local governmental entity that has statutory or constitutional authorities limiting its liability or obligation to indemnify, the Authorized Officer shall prepare a risk assessment to determine the potential for loss to the United States from personal injury, death, or property damage caused by the holder's use and occupancy. If the Authorized Officer determines, based on the risk assessment, that the potential damages exceed the liability or

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indemnification limitation of the State or a local governmental entity, the holder shall procure insurance in the amount determined in the risk assessment. Where established by Forest Service Regional Foresters, minimum insurance coverage for various special uses may be substituted for the risk assessment.

Waive rental fees for authorizations issued to a State or local governmental entity for noncommercial uses. Do not waive a rental fee to a State or local governmental entity if one or more of the criteria in section 31.22a are met.

**16 - AUTHORIZATIONS FOR GOVERNMENT-OWNED IMPROVEMENTS
[RESERVED]**

**17 - OTHER PROCESSES AND PROCEDURES RELATED TO SPECIAL USE
PROPOSALS, APPLICATIONS, AND AUTHORIZATIONS**

17.1 - Applicant Loans [Reserved]

17.2 - Authorizations to Associations

For related direction, see FSM 2711.6.

17.3 - Oil and Gas Applications [Reserved]

17.4 - Noncommercial Group Use Applications

A permit (form FS-2700-3b) is required for noncommercial group use. A noncommercial group use is any activity on National Forest System lands:

1. That involves 75 or more people, either as participants or spectators;
2. Where an entry or participation fee is not charged; and
3. Where the primary purpose is not the sale of a good or service (36 CFR 251.51).

17.41 - Requirements for Content of Applications

Proposals for noncommercial group use must include (36 CFR 251.54(d)(2)(i)):

1. A description of the proposed activity;
2. The location and a description of the National Forest System lands and facilities the proponent would like to use;
3. The estimated number of participants and spectators;

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4. The starting and ending time and date of the proposed activity; and
5. The name of the person or persons 21 years of age or older who will sign a special use authorization on behalf of the proponent.

17.42 - Processing of Applications

Applications for noncommercial group use must be received at least 72 hours in advance of the proposed activity. Applications for noncommercial group use must be processed in order of receipt, and the use of a particular area must be allocated in order of receipt of fully executed applications. All noncommercial group use applications must be deemed granted and a permit must be issued for those uses unless the applications are denied within 48 hours of receipt. The Authorized Officer shall grant an application for a noncommercial group use if all the following eight criteria are met (36 CFR 251.54(g)(3)(ii)(A)-(H)):

1. Authorization of the proposed activity is not prohibited by 36 CFR part 261, Subpart A; by an order issued under 36 CFR part 261, Subpart B; or by Federal, State, or local law unrelated to the content of expressive activity.
2. Authorization of the proposed activity is consistent or can be made consistent with standards and guidelines in the applicable Forest land and resource management plan required under the National Forest Management Act and 36 CFR part 219.
3. The proposed activity does not materially impact the characteristics or functions of the environmentally sensitive resources or lands identified in Forest Service Handbook 1909.15, chapter 30.
4. The proposed activity will not delay, halt, or prevent administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands.
5. The proposed activity does not violate State and local public health laws and regulations as applied to the proposed site. Issues addressed by State and local public health laws and regulations as applied to the proposed site include:
 - a. The sufficiency of sanitation facilities;
 - b. The sufficiency of waste disposal facilities;
 - c. The availability of sufficient potable drinking water;
 - d. The risk of disease from the physical characteristics of the proposed site or natural conditions associated with the proposed site; and
 - e. The risk of contamination of the water supply.

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6. The proposed activity will not pose a substantial danger to public safety. Considerations of public safety must not include concerns about possible reaction to the users' identity or beliefs from nonmembers of the group applying for a permit and must be limited to:
 - a. The potential for physical injury to other forest users from the proposed activity;
 - b. The potential for physical injury to users from the physical characteristics of the proposed site or natural conditions associated with the proposed site;
 - c. The potential for physical injury to users from scheduled or existing uses or activities on National Forest System lands; and
 - d. The adequacy of ingress and egress in case of an emergency.
7. The proposed activity does not involve military or paramilitary training or exercises by private organizations or individuals, unless such training or exercises are federally funded.
8. A person or persons 21 years of age or older have been designated to sign and do sign a permit on behalf of the applicant.

17.43 - Denial of Applications

For the related regulatory requirements, see 36 CFR 251.54(g)(3)(iii).

1. If the Authorized Officer denies a noncommercial group use application because it does not meet all eight evaluation criteria in section 17.42 (36 CFR 251.54(g)(3)(ii)(A)-(H)), the Authorized Officer shall notify the applicant in writing of the reasons for the denial. If an alternative time, place, or manner would allow the applicant to meet the eight criteria, the Authorized Officer shall offer that alternative.
2. If an application is denied solely under section 17.42, paragraph 3 (36 CFR 251.54(g)(3)(ii)(C)), and all suggested alternatives are unacceptable to the applicant, the Authorized Officer shall offer to complete the requisite environmental and other analyses for the requested site (sec. 17.44).
3. A denial of a noncommercial group use application constitutes final agency action and is immediately subject to judicial review.

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17.44 - National Environmental Policy Act Requirements

In the absence of extraordinary circumstances, permits for noncommercial group uses are categorically excluded from documentation in an environmental assessment or an environmental impact statement (FSH 1909.15, sec. 31.1b, para. 8). Because constitutional due process requires a short, specific time frame for processing such applications, the Authorized Officer has the flexibility to tailor the NEPA scoping to meet the 48-hour response period for noncommercial group use applications (FSH 1909.15, sec. 10.3, para. 2a). A decision to grant or deny the application for which an environmental assessment or an environmental impact statement is prepared is subject to the notice and appeal procedures at 36 CFR part 215 and must be made within 48 hours after the decision becomes final under that appeal process.

17.45 - Land Use Rental, Administrative Fees, Bonding, and Insurance

No land use rental or administrative fees must be charged, nor shall bonding or insurance be required, for noncommercial group use permits.

19 - EXHIBITS

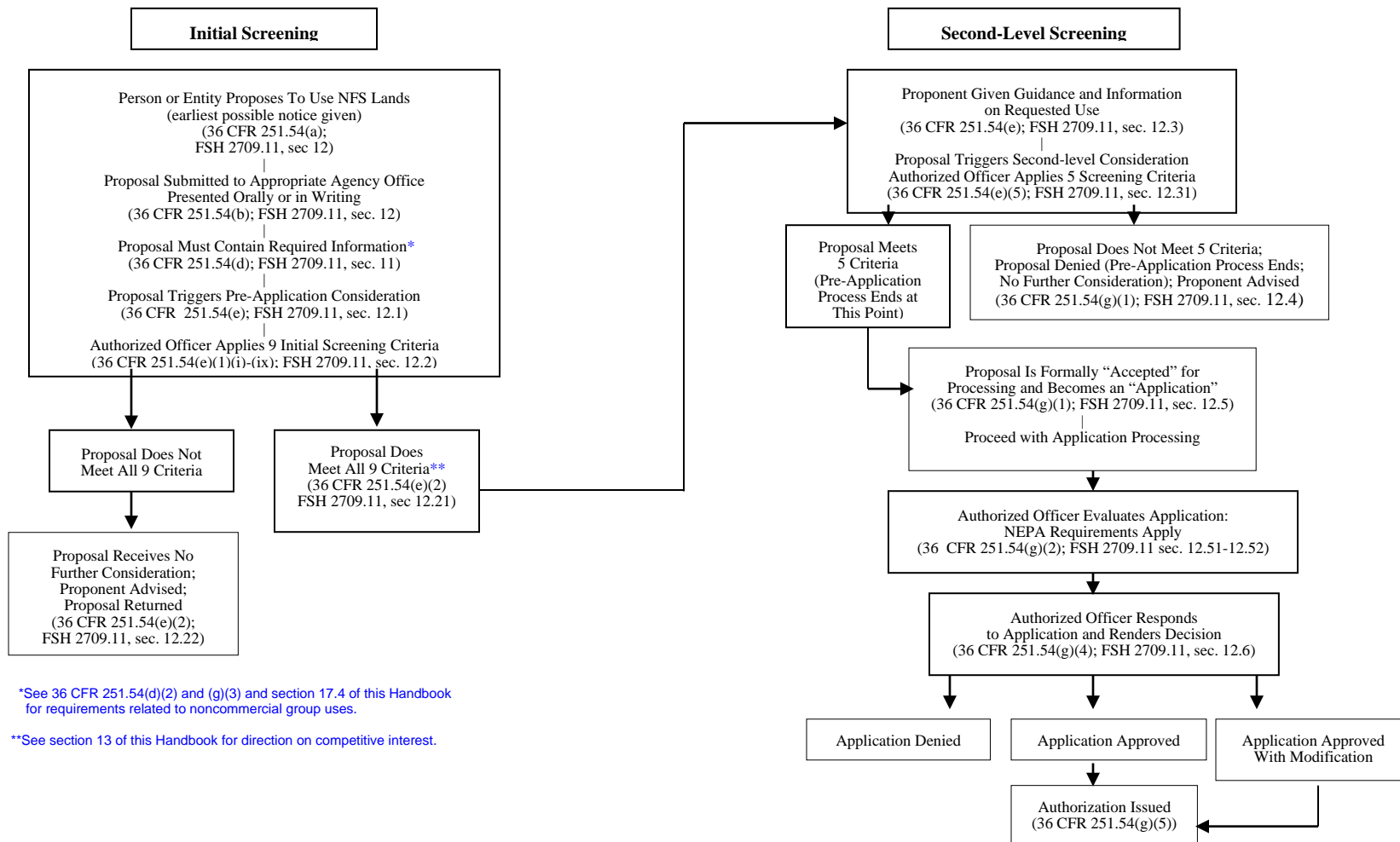
Exhibit 01. Exhibit 01 shows the steps in the special uses proposal, application, and authorization process.

Exhibit 02. Exhibit 02 summarizes the appropriate use code authority, authorization type and form, and recommended or required maximum term for each type of special use activity. See FSM 2716.52 for Inspection Frequency.

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19 - Exhibit 01

**Steps in Special Uses Proposals, Application, and Authorization Process,
 Including Initial and Second-Level Screening for Proposals**



*See 36 CFR 251.54(d)(2) and (g)(3) and section 17.4 of this Handbook for requirements related to noncommercial group uses.

**See section 13 of this Handbook for direction on competitive interest.

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19 - Exhibit 02

**Appropriate Use Code Authority, Authorization Type and Form, and
 Recommended or Required Maximum Term for Each Type of Special Use Activity**

Use	Use Code	Authority	Authorization	Form	Standard Term
RECREATION SPECIAL USES					
PRIVATELY OWNED IMPROVEMENTS AUTHORIZED FOR GROUPS					
Various	NA	Organic Act of 1897	permit	FS-2700-4	1 or 2 years to correct deficiencies (2711.3, p. 3)
Boat dock and wharf	111	FLREA or Act of March 4, 1915	Permit term permit	FS-2700-4 FS-2700-5	5 years 20 years > \$150,000 30 years >\$1,000,000 Limit new uses (2347.4)
Club	112	Organic Act of 1897	permit	FS-2700-4	Phase out (2347.2), deny new uses
Organization Camp (see use code 143 for government owned improvements)	113	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
Shelter	114	FLREA, FLREA, or Organic Act of 1897	temporary permit, permit, or permit	FS-2700-25 FS-2700-4 FS-2700-4	1 year 5 years 10 years
Private camp	115	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
NONCOMMERCIAL, PRIVATELY OWNED IMPROVEMENTS AUTHORIZED TO INDIVIDUALS					
Isolated cabin	121	Organic Act of 1897	permit	FS-2700-4	Phase out
Houseboat	122	FLREA or Organic Act of 1897	permit permit	FS-2700-4 FS-2700-4	5 years 20 years deny new uses
Recreation residence	123	Act of March 4, 1915	term permit	FS-2700-5a	20 years
Caretaker residence (Authorize in recreation residence tracts only)	124	Organic Act of 1897	permit	FS-2700-4	5 years

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Use	Use Code	Authority	Authorization	Form	Standard Term
CONCESSIONS INVOLVING PRIVATELY OWNED IMPROVEMENTS					
Various	NA	Organic Act of 1897	permit	FS-2700-4	10 years <\$100,000 20 years <\$250,000
Private lodging	131	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
Trailer Court or Camp	131b	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Hotel, motel	132	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Resort	133	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Campground (Privately Owned)	134	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Restaurant	135	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Store, Shop, Office	136	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Rental Service Facility	136b	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Service Station	137	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Marina	138	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Tramway	139	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
CONCESSIONS INVOLVING GOVERNMENT-OWNED IMPROVEMENTS					
Concession Campground	141	Granger-Thye Act of April 24, 1950	permit	FS-2700-4h	5 + 5 years
Concession Day Use Site	142	Granger-Thye Act of April 24, 1950	permit	FS-2700-4h	5 + 5 years
Organization Camp	143	Granger-Thye Act of April 24, 1950	permit	FS-2700-4	20 years FS/30 years RF
Recreational Lodging in federally owned Buildings	144	FLREA or Granger-Thye Act of April 24, 1950	temporary permit	FS-2300-43 or FS-2700-3e	30 days
Visitor Center	145	Granger-Thye Act of April 24, 1950	permit	FS-2700-4	20 years FS/30 years RF
Resort	146	Granger-Thye Act of April 24, 1950	permit	FS-2700-4	20 years FS/30 years RF

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Use	Use Code	Authority	Authorization	Form	Standard Term
CONCESSION SERVICES					
Rental Service (Without Facilities)	151	FLREA	permit	FS-2700-4	5 years
Transportation Service	152	FLREA	permit	reserved	reserved
Outfitting and Guiding Service	153	FLREA	temporary permit	FS-2700-3f	180 days
		FLREA	permit	FS-2700-4i	10 years
WINTER RECREATION					
Winter recreation resort	161	Ski Area Permit Act of 1986	term permit	FS-2700-5b (see FSM 2721.61e)	40 years FS
Ski lift, tow	162	Ski Area Permit Act of 1986 or Act of March 4, 1915	term permit	FS-2700-5b	40 years FS >=\$1,000,000
			term permit	FS-2700-5c	20 years FS <\$1,000,000
Ski slope or ski trail	163	FLREA or Organic Act of 1897	permit	FS-2700-4	5 years
			permit	FS-2700-4	10 years
Ski activity	164	FLREA or Organic Act of 1897	permit permit	FS-2700-4 FS-2700-4	5 years
Snow play	165	FLREA, Organic Act of 1897, or Act of March 4, 1915	permit permit	FS-2700-4 FS-2700-4	5 years 5 years
			term permit	FS-2700-5c	20 years >=\$250,000
OUTDOOR RECREATION IMPROVEMENTS					
Various	NA	Organic Act of 1897	permit	FS-2700-4	10 years < \$100,000 20 years < \$250,000
Target range	171	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Park or playground	172	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
Golf course	173	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30years RF
Cave, cavern	174	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Racetrack	175	Act of March 4, 1915	term permit	FS-2700-5	Deny new uses Phase-out existing

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Use	Use Code	Authority	Authorization	Form	Standard Term
Day Use Facility	176	Act of March 4, 1915	term permit	FS-2700-5	10 or 20 years
Visitor Center (see use code 367)	177	Act of March 4, 1915	term permit	reserved	reserved
Hunting Enhancement	178	FLREA or Organic Act of 1897	temporary permit	FS-2700-25	120 days or less
TEMPORARY EVENT					
Recreation event	181	FLREA FLREA	temporary permit permit	FS-2700-3c FS-2700-4	One year or less 5 years
Vendor	182	FLREA	temporary permit	FS-2700-25	One year or less
TRIBAL AND NONCOMMERCIAL GROUP USE					
Noncommercial group use	191	Organic Act of 1897	permit	FS-2700-3b	30 days
Traditional/Cultural Use tribes	192	Organic Act of 1897	permit	FS-2700-3b	120 days
LANDS SPECIAL USES					
AGRICULTURE, CROPS					
Cultivation	211	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Nursery	212	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Orchard	213	Organic Act of 1897	permit	FS-2700-4	10 years
Apiary	214	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Livestock area	215	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Fish hatchery	216	Organic Act of 1897	permit	FS-2700-4	30 years
Fur and game farm	217	Organic Act of 1897	permit	FS-2700-4	10 years
Worm harvesting	218	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Mariculture	219	Organic Act of 1897	permit	FS-2700-4	10 years

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AGRICULTURAL IMPROVEMENTS					
Barn, shed	221	Organic Act of 1897	permit	FS-2700-4	10 years
Fence	222	Organic Act of 1897	permit	FS-2700-4	20 years
Agriculture residence	223	Organic Act of 1897	permit	FS-2700-4	20 years
RANGE FACILITIES					
Building	231	Organic Act of 1897	permit	FS-2700-4	20 years
Corral, pen and livestock area	232	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Dipping vat	233	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	10 years
ENCLOSURES					
Convenience enclosure	241	Organic Act of 1897	temporary permit	FS-2700-25	10 years
COMMUNITY AND PUBLIC INFORMATION MEETINGS					
Multi-season traditional/cultural use by Indians and Indian tribes	311	Organic Act of 1897	permit	FS-2700-4	10 years
RELIGIOUS FACILITIES					
Cemetery	321	Organic Act of 1897	permit	FS-2700-4	Deny new uses
Church	322	Organic Act of 1897	permit	FS-2700-4	30 years Pursue land exchange for new uses
PUBLIC INFORMATION					
Marker	331	Organic Act of 1897	permit	FS-2700-4	10 years
Monument	332	Organic Act of 1897	permit	FS-2700-4	10 years
Sign	333	Organic Act of 1897	permit	FS-2700-4	10 years
SANITARY SYSTEMS					
Solid waste disposal site	341	Organic Act of 1897 or the Act of September 3, 1954	permit	FS-2700-4	Deny use Phase out existing uses

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Liquid waste disposal area	342	Organic Act of 1897 or the Act of September 3, 1954	permit	FS-2700-4	Deny use Phase out existing uses
Sewage transmission lines	343	FLPMA	permit easement	FS-2700-4 easement	40 years Provide for revision of terms & conditions at specified intervals to reflect changing times and conditions
Hazardous and toxic waste disposal site	344	Organic Act of 1897 or the Act of September 3, 1954	permit	FS-2700-4	Deny use Phase out existing uses
Transfer station	345	Organic Act of 1897 or the Act of September 3, 1954	permit	FS-2700-4	10 years
Debris disposal area	346	Organic Act of 1897 or the Act of September 3, 1954	permit	FS-2700-4	Deny use Phase out existing uses
COMMUNITY RESIDENCES					
Residence, privately owned building	351	Organic Act of 1897	permit	FS-2700-4 FS-2700-25	10 years Pursue land exchange
Residence, Government-owned building, G-T	352	Granger-Thye Act of April 24, 1950	permit	FS-2700-4	10 years
Residence, Alaska Term Permit Act	353	Alaska Term Permit Act of March 30, 1948	permit	FS-2700-4	30 years Pursue land exchange
SERVICE USES					
School	361	Act of September 3, 1954	term permit	FS-2700-5	30 years Pursue land exchange
Service building	362	Act of September 3, 1954	term permit	FS-2700-5	30 years Pursue land exchange

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Hospital or sanitarium	363	Act of March 3, 1915 or Act of September 3, 1954	term permit	FS-2700-5	30 years Pursue land exchange
Shelter	364	Act of March 4, 1915 or Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Mailbox	365	Organic Act of 1897	permit	FS-2700-4	Life tenure
Parking lot	366	Organic Act of 1897 or Act of March 4, 1915	permit	FS-2700-4	30 years
Visitor center, museum	367	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
ENCROACHMENTS					
Cabin (invalid mining claim)	371	Organic Act of 1897	permit	FS-2700-4	Annual
Residence	372	Organic Act of 1897	permit	FS-2700-4	5 years
Other improvement	373	Organic Act of 1897	permit	FS-2700-4	5 years
Cabin predating ANILCA	374	Organic Act of 1897	permit	FS-2700-4	5 years
FEASIBILITY, RESEARCH, TRAINING, CULTURAL RESOURCES, AND HISTORICAL FEASIBILITY					
Site survey and testing	411	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Resource survey	412	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Hydroelectric investigation	413	FLPMA	permit	FS-2700-4	5 years
Wind Energy testing	414	FLPMA	permit	FS-2700-4	3 + 2 years
Solar Energy testing	415	FLPMA	permit	FS-2700-4	3 + 2 years
Geothermal energy testing	416	FLPMA	permit	FS-2700-4	3 + 2 years
Biomass testing	417	FLPMA	permit	FS-2700-4	3 + 2 years
RESEARCH					
Experimental and demonstration	421	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Research study	422	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	5 years

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Weather station	423	Organic Act of 1897	permit	FS-2700-4	30 years
Weather modification device	424	Organic Act of 1897	permit	FS-2700-4	30 years
Observatory	425	Organic Act of 1897	permit	FS-2700-4	30 years
TRAINING					
Military training area	431	Organic Act of 1897	permit	FS-2700-4	20 years
Education center	432	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
CULTURAL RESOURCES AND TREASURE TROVE USES					
1906 Act Permit	441	American Antiquities Act, Archeological Resource Protection Act, or Organic Act of 1897	temporary permit permit	FS-2700-32 FS 2700-32	1 year 5 years
Non-disturbing use	442	Archeological Resource Protection Act or Organic Act of 1897	temporary permit permit	FS-2700-32 FS-2700-32	1 year 5 years
Disturbing use, 1979 Act	443	Archeological Resource Protection Act	permit	FS-2700-32	5 years
Treasure hunting	444	FLREA, or Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	1 year 5 years
HISTORIC					
Historic building and improvements	451	FLREA, FLREA Granger-Thye Act of April 24, 1950, NHPA	temporary permit permit permit lease	FS-2700-25 FS-2700-4 FS-2700-4 reserved	1 year 5 years 20 years FS/30 years RF reserved
Historic site	452	FLREA, FLREA	temporary permit permit	FS-2700-25 FS-2700-4	1 year 5 years

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		Granger-Thye Act of April 24, 1950, NHPA	permit lease	FS-2700-4 reserved	20 years FS/30 years RF reserved
INDUSTRY CAMPS					
Construction camp and residence	511	Organic Act of 1897	permit	FS-2700-4	5 years
Temporary Construction Activities	512	Organic Act of 1897	permit	FS-2700-4	5 years
STORAGE					
Warehouse and storage yard	521	Organic Act of 1897	permit	FS-2700-4	20 years
Stockpile site	522	Organic Act of 1897	permit	FS-2700-4	20 years
Storage and Use of Explosives	523	Organic Act of 1897	permit	FS-2700-4	20 years
MANUFACTURING					
Processing plant	531	Organic Act of 1897	permit	FS-2700-4	20 years
Truck & equipment depot	532	Organic Act of 1897	permit	FS-2700-4	20 years
Batch and mixing plant	533	Organic Act of 1897	permit	FS-2700-4	20 years
MEASUREMENT					
Weighing or scaling station	541	Organic Act of 1897	permit	FS-2700-4	20 years
ARTS					
Still photography	551	Act of May 26, 2000 (16 U.S.C. 460l-6d)	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Commercial filming	552	Act of May 26, 2000 (16 U.S.C. 460l-6d)	temporary permit permit	FS-2700-25 FS-2700-4	3 years
MINERAL EXPLORATION					
Geological and geophysical exploration	561	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	3 years
MINERAL DEVELOPMENT					
Occupancy permit, reserved mineral right	571	By Deed or State law			Consult RO for direction

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Occupancy permit, outstanding mineral right	572	By Deed or State law			Consult RO for direction
TIMBER					
Tailhold	591	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	3 years
Spar	592	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	3 years
Log landing	593	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	3 years
Yarding corridor	594	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	3 years
Flume, log chute	595	Organic Act of 1897	temporary permit permit	FS-2700-25 FS-2700-4	3 years
ENERGY GENERATION AND TRANSMISSION POWER PLANTS UNDER AUTHORITY OF THE FEDERAL ENERGY REGULATORY COMMISSION					
Hydroelectric project, FERC licensed	611	FLPMA	permit	FS-2700-4	50 years (term of permit should run concurrent with term of FERC license)
Hydroelectric project, FERC exempted	612	FLPMA	permit	FS-2700-4	30 years
OTHER POWER PLANTS					
Wind power facility	621	FLPMA	permit	FS-2700-4	30 years
Fossil fuel power plant	622	FLPMA	permit	FS-2700-4	30 years
OIL AND GAS DEVELOPMENT					
Oil and gas pipeline	631	Mineral Leasing Act	permit easement	FS-2700-4 easement	30 years
Oil and gas pipeline related facility	632	Mineral Leasing Act	permit	FS-2700-4	30 years
Oil and gas production and	633	Organic Act of 1897	permit	FS-2700-4	30 years

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storage area					Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions
Natural gas pipeline (FERC)	634	Mineral Leasing Act	permit easement	FS-2700-4 easement	30 years Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions
ELECTRIC TRANSMISSION AND DISTRIBUTION					
Powerline, eligible for REA financing	641	FLPMA	permit	FS-2700-4j	30 years Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions
Other utility improvement, eligible for REA financing	642	FLPMA	permit	FS-2700-4	30 years Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions
Powerline	643	FLPMA	permit easement	FS-2700-4 FS-2700-31	30 years Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions
Other utility improvement	644	FLPMA	permit easement	FS-2700-4 FS-2700-31	30 years Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions

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TRANSPORTATION, AIRCRAFT FACILITIES					
Airport, heliport	711	FLPMA	permit	FS-2700-4	30 years
Hanger and service facility	712	FLPMA	permit	FS-2700-5	30 years
Airport concession	713	FLPMA	permit	FS-2700-4	30 years
Airport or airway beacon	714	FLPMA	permit	FS-2700-4	30 years
Helicopter landing site	715	FLPMA	permit	FS-2700-4	30 years
MARINE					
Mooring point	721	Organic Act of 1897	permit	FS-2700-4	30 years
Boat dock, wharf, pier	722	Organic Act of 1897	permit	FS-2700-4	30 years
Canal	723	FLPMA	permit	FS-2700-4	30 years
Navigation aid, lighthouse	724	FLPMA	permit	FS-2700-4	30 years
Navigation aid (beacon, buoy, marker, & other)	725	FLPMA	permit	FS-2700-4	30 years
RAILROADS					
Railroad right-of-way	731	FLPMA	permit	FS-2700-4	50 years Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions
Railroad signal device	732	FLPMA	permit	FS-2700-4	50 years Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions
FEDERAL AID HIGHWAY RIGHT-OF-WAY					
Department of Transportation Easement	741		Issued by FHWA, FS writes Letter of Consent		

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ROAD OR TRAIL AUTHORIZATION					
Forest Roads and Trails Act easement	751	October 15, 1964	easement	FS-2700-9f easement	30 years (Easements issued to public road agencies have no designated expiration date)
Federal Land Policy and Management Act easement	752	FLPMA	easement	FS-2700-9j (Private) FS-2700-9i (Forest) easement	30 years (Alternative language can be used allowing the use to continue as long as needed for the purpose authorized at the time of issuance)
Federal Land Policy and Management Act permit	753	FLPMA	permit	FS-2700-4b (Forest) FS-2700-4c (Private)	20 years (Alternative language can be used allowing the use to continue as long as needed for the purpose authorized at the time of issuance)
Wilderness Act authorization for roads and trails	754	Wilderness Act of 1964	permit	FS-2700-4c FS-2700-25	10 years
PIPELINE NON-ENERGY RELATED					
Slurry pipeline	761	FLPMA	permit	FS-2700-4	30 years
CABLEWAY AND CONVEYOR					
Tramway or conveyor	771	FLPMA	permit	FS-2700-4	30 years
COMMUNICATIONS USES					
BROADCAST					
Broadcast translator/Low power TV and FM	808	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Cable television	809	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
AM and FM radio broadcast	816	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years

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Television broadcast	817	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
NON-BROADCAST					
Microwave common carrier	803	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Microwave industrial	804	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Local exchange network	805	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Private mobile radio service	806	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Passive reflector	807	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Cellular/telephone and PCS	810	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Wireless Internet Service Provider	811	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Commercial mobile radio service	815	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Facility manager	818	FLPMA	permit lease	FS-2700-10b	30 years
OTHER COMMUNICATIONS USES					
Amateur radio	801	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Personal/private receive only	802	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Natural resource and environmental monitoring	814	FLPMA	permit lease	FS-2700-4 FS-2700-10b	30 years
Other communications	831	FLPMA	permit	FS-2700-4	30 years

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improvement					
Other communications improvement, eligible for REA financing	832	FLPMA	permit	FS-2700-4	30 years
Navigation Equipment	833	FLPMA	permit	FS-2700-4	30 years
TELEPHONE AND TELEGRAPH					
Telephone and telegraph line, not eligible for REA financing	821	FLPMA	permit easement	FS-2700-4 Easement	30 years
Telephone line, eligible for REA financing	822	FLPMA	permit	FS-2700-4	30 years
Fiber optic cable	823	FLPMA	permit	FS-2700-4	30 years
WATER (NON-POWER GENERATING) WATER TRANSMISSION					
Irrigation water ditch	911	FLPMA	permit easement	FS-2700-4 easement	30 years
Irrigation water transmission pipeline, 12" in diameter or more	912	FLPMA	permit easement	FS-2700-4 easement	30 years
Irrigation water transmission, pipeline, less than 12" in diameter	913	FLPMA	permit easement	FS-2700-4 easement	30 years
Water transmission pipeline, 12" in diameter or more	914	FLPMA	permit easement	FS-2700-4 easement	30 years
Water transmission pipeline, less than 12" in diameter	915	FLPMA	permit easement	FS-2700-4 easement	30 years
Water conveyance system easement, Act of October 27, 1986 (Pub. L. No. 99-545)	916	FLPMA	permit easement	FS-2700-9a	Permanent (when consistent with Ditch Bill Act, i.e., serves only stock water and irrigation)
IMPOUNDMENT					
Debris and siltation impoundment	921	FLPMA	permit	FS-2700-4	30 years

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Dam, reservoir	922	FLPMA	permit easement	FS-2700-4 easement	30 years
Water diversion, weir	923	FLPMA	permit	FS-2700-4	20 years
Reservoir	924	FLPMA	permit easement	FS-2700-4 easement	30 years
Dam, reservoir, Act of October 27, 1986 (Pub. L. 99-545)	925	FLPMA	easement	FS-2700-9a	Permanent (when consistent with Ditch Bill Act, i.e. serves only stock water and irrigation)
Reservoir, Act of October 27, 1986 (P.L. 99-545)	926	FLPMA	easement	FS-2700-9a	Permanent (when consistent with Ditch Bill Act, i.e. serves only stock water and irrigation.
DEVELOPMENT					
Well, spring, windmill	931	Organic Act of 1897	permit	FS-2700-4	20 years
Stock water	932	Organic Act of 1897	permit	FS-2700-4	20 years
Wildlife water supply	933	Organic Act of 1897	permit	FS-2700-4	20 years
Fish ladder	934	FLPMA	permit	FS-2700-4	30 years
Water storage tank	935	FLPMA	permit	FS-2700-4	30 years
MEASUREMENT					
Stream gauging station	941	Organic Act of 1897	permit	FS-2700-4	20 years
Water quality monitoring station	942	Organic Act of 1897	permit	FS-2700-4	20 years
WATER TREATMENT					
Water treatment plant	951	Act of March 3, 1915 or Act of September 3, 1954	permit term permit	FS-2700-4 FS-2700-5	30 years