



# **NATIONAL FOREST HOMEOWNERS**

*" To ensure continued enjoyment of forest homes"*

December 8, 2008

USDA Forest Service  
Office of the Chief  
1400 Independence Ave., SW  
Washington, D.C.  
20250-0003

By Facsimile Transmission: 202-205-1765

Dear Chief Kimbell:

I am writing on behalf of the National Forest Homeowners (NFH). NFH represents individuals who own cabins on National Forest lands that are authorized under a Term Special Use Permit for Recreation Residences. I am writing in regard to the impending deadline for cabin owners to execute new twenty-year permits.

As you are aware, many cabin owners must execute new permits by December 31, 2008 in order to ensure that their cabin activity remains authorized. The newly revised language of this permit, revised without any public input whatsoever and certainly without consulting permittees, includes specific reference to cabin fees. While there is much new language included to which both NFH and cabin owners object, this letter only addresses the new language which sets forth the fee for the permits.

As you are also aware, it is our opinion that the application of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. § 6201 *et seq.*) ("CUFFA") is not producing the outcomes intended by Congress. We further believe that many appraisals done under CUFFA have not fully acknowledged factors stipulated in Section 606 and therefore the fee as established under Section 607 often is dramatically out of line with the restricted use authorized under the permit. This has resulted in the imposition of unfair and unaffordable fees which is contrary to the purpose of CUFFA. Because of this violation of law, the imposition of these new fees will result in many cabin owners being forced to sell or abandon their cabins unless the fees are revised.

**Geoffrey Anderson**

President

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Cabin owners are asking us daily whether or not they should sign their new permits because they are afraid of the new language, the liability it appears to impose and concerned about the likelihood that there will be fee relief forthcoming. They do not want to agree to new fees to which they object, but are being given no choice but to sign the contract.

NFH is also concerned about the Forest Service's issuance of any such new permits which contain reference to base cabin user fees that were established contrary to CUFFA. Inclusion in the new permits of reference to such fees is apparently not consistent throughout the Regions. In some places actual numbers are inserted. In others, only reference to the methodology is inserted. In all locations, however, permittees are being given no choice but to sign these permits as they are currently drafted. Such signatures should not be deemed a waiver of right to oppose the current fee for any reason whatsoever.

To the extent possible, NFH hereby reserves its and all permittees' rights to challenge the validity of the Forest Service's interpretation and implementation of CUFFA, including the Forest Service's appraisal guidelines as set forth at FSM 5410, FSH 5409.12, Chapter 60 and elsewhere. We are advising permittees to sign their permits under protest, with a reservation of such rights. Finally, we reserve our rights to the benefits that may inure to permit holders resulting from administrative, legislative, or judicial action.

If you have any questions about the above, please do not hesitate to contact me.

Very truly yours,

Geoffrey Anderson  
President

cc: Jim Bedwell: 202-205-1145  
Greg Smith: 202-205-1604  
The Honorable Mark Rey: 202-720-0632  
Kevin Garden: 703-997-1330