



After a Fire - Frequently-Asked Questions

For: USFS Recreation Residence Permit Holders

1. Q: Why does the forest close after a fire?

A: Directly after a fire, the forest may close for public safety and fire investigation. However, even after a fire is contained, the conditions have changed and severe dangers like mud slides, debris flows and flooding may threaten anyone in the area. [Read more here.](#) Sometimes, a forest may remain closed for up to 2-3 years, during which permit-holders may be provided with specific periods of access to take care of cabin maintenance, even when the recreation use is disrupted due to post-fire conditions.

2. Q: How long before I can return to my cabin after a fire?

A: Longer than is comfortable, in most cases. First, there is stabilization work. Then, there is post-fire assessment. Possibly hazardous waste removal. Often, the Forest Service has safety considerations after a fire.

3. Q: What is BAER?

A: After a fire, a cross-functional USFS team performs a **Burned Area Emergency Response (BAER)** assessment to evaluate the resource conditions and safety issues, such as unstable soil conditions. Generally, the forest area remains closed to all activity until the BAER assessment is completed. An assessment may begin even before the fire is out and generally takes a few weeks to complete, though may take longer. The BAER report risk analysis and conclusions provide the basis for further post-fire decisions. Short-term actions may be taken to stabilize the area to prevent more damage, and a framework for longer-term rehabilitation and reforestation decisions will be included. Public safety is the #1 priority, along with potential damage to property by post-fire conditions. For more information, see <https://www.fs.fed.us/naturalresources/watershed/burnedareas-background.shtml>.

4. Q: When may I access my cabin after the fire to retrieve my remaining valuables?

A: Until the fire is fully contained, the local District Office will be engaged in firefighting and then in clean-up and stabilization (see Q #1). The Forest District Office will provide an estimate of when access to your lot is likely, but it may take time before you receive a clear date and this is usually because all staff are still involved in the incident and immediate post-incident tasks. Typically, the local Ranger District designates a period of controlled access to get in and remove valuables, turn off utilities and secure your cabin for the closure period.

5. Q: Can I begin the site cleanup immediately by sifting through and removing debris?

A: You must obtain approval from the Forest Service before performing site cleanup. In

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some cases, the Forest Service – though not required – may collaborate with your county regarding removal of hazardous materials. In one case, the county identified and marked large hazardous waste for the cabin owners to remove prior to allowing permit holders' access back into the tract. Generally, the permit holder is responsible for clean-up costs, which are typically covered by cabin insurance policies. The Forest Service will provide clean-up instructions. NFH recommends you retain good records to document where and how hazardous materials were disposed of, whether you remove the hazardous material yourself, or use a certified contractor. Most counties provide information regarding authorized sites for disposal of various types of hazardous materials.

6. Q: Will my fees be reduced after my cabin burns and can't be enjoyed?

A: Yes, the new fee provisions passed by Congress in 2014 include a provision for reduced fees in the event of loss of use or access, but this is not automatic. It is necessary for the reduction to be requested in writing, but wait until the fire clean-up is underway to gain better staff attention. Make sure you get a response *in writing*. The line officer (District Ranger) has the discretion to reduce or waive fees based on loss of use or restricted access. Complete or substantial destruction of a cabin will usually result in a waiver of special use fees from the date of destruction to the date when occupancy is restored, unless the permit-holder delays rebuilding for an amount of time deemed unreasonable. Stay in touch with your permit administrator if there are delays in your rebuilding plans. Further, if the cabin area is closed for the remainder of the season following the fire or for more than one season, you may request restricted access fee relief even if your cabin was not damaged.

7. Q: What steps must I take in order to keep my permit and be able to rebuild a recreation residence cabin in the forest? Is the approval automatic?

A: If your cabin is substantially destroyed by fire, send a letter to your District Ranger copying the Forest Supervisor with your intention to rebuild your cabin, whether or not you are immediately sure. This notifies the Forest Service of your interest in maintaining the permit and preserves your options. Following an event that substantially destroys a recreation residence, the Forest Service performs an environmental assessment to determine whether improvements on the lot can be safely occupied in the future under Federal and State laws before issuing a permit to rebuild or terminating the permit. If the lot can be occupied safely and the use remains consistent with the forest plan, the Forest Service will allow that cabin to be rebuilt. In some cases, environmental and policy considerations may not support rebuilding on your lot. If not, your Special Use Permit states that the Forest Service may offer an in-lieu lot on the same or an adjacent National Forest.

8. Q: Do I have appeal rights if my request to rebuild is denied?



A: Yes. The decision by the Forest Service line officer is a discretionary decision, therefore it is subject to an administrative appeal by the permit holder. An administrative appeal must be submitted by the permit holder **within 45 days** of the line officer's decision letter.

9. Q: What is an "in-lieu lot"? What if no lots are identified in my forest or a nearby forest?

A: In your permit, Section X.B. states:

***B. OFFER OF AN IN-LIEU LOT.** Upon revocation (other than revocation for non-compliance) or upon notification that a new permit will not be issued after expiration of this permit, the authorized officer may offer an in-lieu lot, if available, to the holder for building or relocating a recreation residence. An in-lieu lot must be in a location that is consistent with the applicable land management plan in the same National Forest as the authorized improvements or in an adjacent National Forest. An offer of an in-lieu lot must be accepted within 90 days or within 90 days of final disposition of administrative appeal of the revocation decision, termination when rebuilding is not allowed, or notification that a new permit will not be issued upon permit expiration, whichever is later, or the offer will expire.*

Few forests have identified potential in-lieu lots prior to a disaster. Consequently, once a cabin is destroyed and the determination is made that the lot cannot be rebuilt (see Q#6 above), the Forest Service will need to research lots suitable for designation as in-lieu lots, which will take some time. If suitable in-lieu lots are identified, the Forest Service may contact each permittee who is unable to rebuild in-place and offer a specific lot or lots to choose from. A decision to accept an offered in-lieu lot must be made within 90 days (see permit language above for details). If the Forest Service determines that a destroyed cabin cannot be rebuilt in-place and no in-lieu lot is available or acceptable to the permit holder, the permit terminates with no further recourse by the permit holder.

10. Q: Do I need a permit to remove a hazard tree burned by the fire?

A: You will always need a permit to remove a tree on the National Forest. However, if you receive no response to your request for this permission within a reasonable time, you should continue up the FS chain of command until you get an answer. Remember that Forest Service staff will be really stretched following a fire, so be patient if you can.

11. Q: Is there any tax relief if my cabin has been destroyed or the cabin area is closed?

A: Property taxes for recreation residences vary by state and are typically administered by the local county. When cabins were destroyed or the area has been closed for extended periods, property tax relief has been obtained by meeting with the county assessor and documenting the loss or closure. Please contact your county assessor for more information.

Other links and resources:

http://www.readyforwildfire.org/docs/files/File/CALFIRE_ReturningHomeAfterAFire_Revised.pdf

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