

Caldor Fire Area Recreation Residence FAQs

Updated October 4, 2021

General:

1. I have a recreation residence, resort, camp, or other facility on National Forest Lands that is threatened by fire. What is being done to protect it? How can I find out more information?

One of the priorities for the Caldor Fire Incident Management Team (IMT) is the protection of structures. There are fire engines and other fire-fighting staff assigned to structure protection as part of the Caldor Fire suppression effort. The IMT is also aware of more remote structures. Protection measures may include (as time and safety of personnel allow) clearing brush and limbs away from structures if there is time to do so, assigning fire engines to site where structures are located, and air support with retardant or water drops on and around the structure.

To find out more, tune in to the daily community meetings where the IMT discuss the Caldor Fire status and will often address structure protection measures. The IMT also will complete damage assessments once the fire has passed. Results are posted to the CalFire Damage Assessment maps and are updated regularly. Additional information can be found on the Caldor Fire Incident Information and Eldorado County Caldor Fire websites, along with links to the community meetings.

2. I believe my recreation residence has been damaged or destroyed by the fire. What are the next steps?

First, we'd like to express our sympathy for the damage or loss of your recreation residence from the Caldor Fire. These locations hold memories dear to you and your family and we understand this is a very difficult time. Forest Service staff is currently working on guidance to assist permittees determine the next steps for recovery after the fire. Guidance will be provided in the next weeks/months to help answer some of your questions, including the following: what happens next, can we rebuild, can we transfer/sell our permit if our cabin burned, when can we access our cabin, does the permit get extended, do we still have to pay fees if we can't use the site, what if I don't want to rebuild, and others. Your permit administrator will be providing that information to the permit holders via email or postal mail.

3. Will cabin owners be able to use and maintain their lots while waiting for the USFS decision to rebuild, or while waiting for plans, permits, and the building process to start?

Special Use Permits will be put into a "non-use" status for billing and occupancy purposes.

Forest Service policy prohibits use of the area for the use authorized during the non-use period; however, the holder must maintain the premises and improvements in a satisfactory condition (FSH 2709.11 31.23).

As an example, since they are in non-use status and are not paying fees it would be inappropriate to park an R.V etc. on the site and continue to use it. The presence of nominal or ancillary uses (e.g. wells, outbuilding, etc.) does not preclude the application of non-use (FSH 2709.11, section 31.23) or require the minimum fee.

4. Is it possible to house information for USFS recreation residence permit holders on either the Eldorado National Forest (ENF) or Lake Tahoe Basin Management Unit (LTBMU) website or on the Caldor Fire Recovery website?

Yes, there is a shared website on the Eldorado National Forest website with information for both forests where recreation residence permit holders whose cabins were damaged/destroyed can get information.

<https://www.fs.usda.gov/detail/eldorado/home/?cid=FSEPRD952172>

5. Will Eldorado National Forest (ENF) and Lake Tahoe Basin Management Unit (LTBMU) have separate teams, or share some/all of the experts?

The ENF and LTBMU are coordinating efforts to provide support/direction to recreation residence permit holders on both forests. Even so, permit holders should reach out to their respective contacts regarding the rebuilding process as they may vary by Forest/Unit.

Access:

6. When/how can I access my recreation residence, other special use permit site or private property within the Eldorado NF or Lake Tahoe Basin MU Forest Closure area?

The Eldorado National Forest and Lake Tahoe Basin Management Unit Emergency Closure Orders apply to recreation residences, other special use permittees and many private landowners within the closure area. Access to special use permit sites on National Forest System Lands and to private land accessible only via National Forest System Lands, Roads or Trails will be considered only for critical reasons that cannot wait until the emergency is resolved.

Your safety and the safety of fire personnel is our first priority and so there are a number of things that need to occur prior to allowing access. The Caldor Fire Incident Management Team (IMT) will determine when evacuated areas are safe for access. The immediate threat of the fire, along with resulting hazards such as downed trees, standing hazard trees, and damaged utilities, needs to be abated prior to allowing access. Safety issues with regard to landslides are possible with the onset of the rainy season.

Once the IMT determines access to the Caldor Fire Emergency Forest Closure Order areas are allowed, all permit holders and those private property owners who must use National Forest System Lands, Roads or Trails to access their private property will need a Restricted Use Permit FS-7700-48 (a.k.a. an "exemption permit"). Initial access will be for limited periods until hazards can be assessed and/or abated. There are ongoing repair and restoration operations within the burn area which may temporarily limit permittee access. It is the personal responsibility of the individual to access hazards and should only enter the area if the individual feels safe.

Recreation residence permit holders are asked to coordinate with their Tract representatives to submit a group access request by Tract using form FS-7700-40. Refer to the Caldor Fire Recovery page on the Eldorado National Forest website at <https://www.fs.usda.gov/detail/eldorado/home/?cid=FSEPRD952172> for the FS-7700-40 access request form and details about requesting access. Scroll to the "Topics" section at the bottom of the page and click "Requesting Access to Your Recreation Residence..."

Private landowners will complete the same FS-7700-40 access request form as described for recreation residence permit holders on the webpage link above. Submit requests to the Forest Service office where your private land or business operation is located. Call ahead to determine who the request should be emailed to. Phone numbers for each Forest Service office are available on the left side under "Contact Information" on the Forest home webpage; <https://www.fs.usda.gov/eldorado/> for the Eldorado National Forest or <https://www.fs.usda.gov/ltbmu> for the Lake Tahoe Basin Management Unit.

Access to private lands within mandatory evacuation areas that utilize only county or state roads (non-Forest Service routes, such as Highway 50) is under the jurisdiction of the County Sheriff. Exemptions to County mandatory evacuation orders in those circumstances should be directed to the IMT or the County.

7. Can a family member or a co-owner act on a recreation residence permit holder's behalf if the permit holder is not available locally?

To act on behalf of a permit holder, another person must have power of attorney or a court ordered conservatorship, for example. If the permit holder is not physically available, they can print the Restricted Use Permit FS-7700-48 from their email, sign and date at the top of page 3 and then write on the back of the form a signed and dated note naming the individual(s) who have permission to be at their lot. A permit holder signed and dated FS-7700-40 request form with that same information could also be attached to the FS7700-48 in place of the note. These documents can then be scanned and emailed. A family member, co-owner, insurance adjustor, friend, or contractor can access the permit holder's cabin by carrying a printed copy of these documents at all times when visiting the recreation residence tract. Be sure to share the safety information which is included as part of the permit.

8. Will recreation residence permit holders whose cabins were destroyed be allowed access prior to those whose cabins survived the fire?

Out of respect for their loss and for the purpose of assessing damage, recreation residence permit holders who lost a cabin to the Caldor Fire were given the opportunity to access their lots on Monday 9/20/2021. This was the day before Highway 50 reopened to the public and for a few days afterward, during daylight hours only. Access for permittees of structures which survived the fire was granted starting Friday 9/24/2021.

9. Will Cabin owners be able to access their lots to remove valuable items or make emergency repairs even if the forest remains closed?

The Eldorado NF and the LTBMU have distributed a blanket Restricted Use Permit FS-7700-48 to each Tract for permit holder access starting 9/24/2021 through 10/31/2021 for day use only, for the purpose of assessing damage, winterizing and securing cabins, and completion of previously approved maintenance. The FS-7700-48 form must be signed and dated by the District Ranger or the Forest Supervisor on the front and signed and dated at the top of page 3 by the permit holder, for the lot to be visited and the permit validated.

Rebuilding:

10. If someone who is given permission to rebuild chooses to or is unable to rebuild, can the permit be transferred/sold?

No. Only the holder has the privilege of rebuilding. The holder may not sell the cabin remains, foundation, or cleared and restored site to a new person to rebuild and become a new holder.

11. Should permit holders notify the Forest Service immediately if they intend to rebuild? Is that something that needs to wait until they are given permission?

Permit Holders should wait until they receive a certified letter from the Forest Service that the area has been evaluated and is appropriate for recreational residence use and can be safely occupied. The authorized officer will make the determination if the site is appropriate for reconstruction with consideration of the conditions of each lot. Changes in public needs and environmental standards may result in new requirements or remove previous privileges to occupy National Forest System lands.

The Forest Service letter will specify a time frame in which you should respond as to your intent to rebuild or not. With the number of recreation residences impacted by the Caldor Fire, these evaluations will take time and we request your patience while we work through the process.

12. What if we don't wish to rebuild? What happens if we "walk away"?

If a permittee has already made the decision to not rebuild, the permittee will need to restore the site to the natural state (all evidence of a cabin being on the site will need to be removed, including chimneys, foundations, septic tanks, water lines, etc.) in accordance with the terms of the permit. Permit holders within a tract may wish join forces to hire a remediation contractor rather than each holder hiring individual contractors. Once the site has been certified that it has been cleaned and restored, the permittee must provide written notification to the Forest Service of their intention to terminate the permit. The Forest Service will send written agreement of the termination once all conditions of the permit have been met.

If the permittee fails to remove the improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of. However, the holder remains liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the permit area. The Forest Service will bill the permittee for costs of clean up and restoration.

13. Are lot swaps or in lieu of lots possible?

The permit holder will be notified by letter with the determination that the holder can rebuild (in place or on an in-lieu lot if available) based on the safety determination, flood plain analysis, and Forest Management Plan.

OFFER OF AN IN-LIEU LOT: Upon revocation (other than revocation for noncompliance) 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.

14. How do we show intent to rebuild?

After site cleanup is performed, and the permittee has been notified by certified letter from the Forest Service that an evaluation has been completed with the determination that use of the area for recreation residences is safe and remains consistent with applicable laws, the permit holder will be instructed to send written notification to the Forest Service of their intent to rebuild. The letter will specify a timeframe to respond with your intentions, as well as a schedule for conceptual design plan submittal and construction.

Normally, a complete proposal including professionally drafted construction plans must be submitted within one year after the cabin is destroyed. The guidelines also suggest that the building must be completed within two years of the approval to rebuild. However, these guidelines were designed for a single residence requiring reconstruction rather than an entire tract. It is likely that these timelines will be modified due to the number of cabins requiring reconstruction.

15. Is it possible for permit holders with destroyed cabins to salvage anything from their lots? Is it possible to preserve fireplaces, chimneys, or rock walkways if allowed to rebuild? If not, may we take some of these remaining pieces?

A certified building inspector or engineer would need to assess the site's structures and determine if they are salvageable and meet current building codes. If so, these could be incorporated within the building plans. It is likely that the structures would not meet current building codes and would require reconstruction, therefore it is recommended that photographs and measurements are taken of the structure before it is demolished so that it may be rebuilt according to code, if desired. Personal property, including pieces of the cabin may be kept by the cabin's owners. Archeological artifacts found on the site are the property of the Forest Service. As described within the permit, the Forest Service must be notified when these items are found.

16. What information needs to be included within the conceptual design?

The conceptual design should be detailed enough to allow preparation of an analysis, and should include a site plan with roads, trees, rock outcrops, planned and existing improvement location, structure size, grade elevations, and lot boundary as accurately as possible. Thus, a site plan, floor plan, proposed grading elevations, architectural elevations and height labeled of each side, a list of materials proposed, and other structures that may be required for the site (such as a propane tank, well, septic tank, etc.) will be required. The construction of other outbuildings is discouraged.

17. Will destroyed outbuildings be allowed to be rebuilt? If not, would the lost square footage from these building be able to be added into the one, rebuilt, main structure?

Separate structures such as guest houses and garages will not be allowed to be rebuilt as these are no longer in conformance with regulations. New construction must meet the requirements of Forest Service Handbook (FSH) 2709.11 Chapter 40 Special Uses Administration Region 5 2709.11-2021-1 - Effective Date: 3/24/2021. Total floor space will be limited to a maximum of 1,400 square feet, however, factors

such as environmental, visual, and historic resources may cause the authorized officer to restrict building size of individual recreation residences to less than the maximum.

18. Will historic infrastructure like water systems and septic systems be accepted by the USFS?

Whenever possible, outhouses and leach fields should be replaced with a septic system or connected to the local sewer system. Springs and wells will need to be recertified as safe for drinking and may need to be rebuilt and re-permitted. Within this process, State and County regulations will be reviewed and may require an upgrade to the water system.

19. Is it possible to work with the county building department to request one person in planning/permit review, to work directly with the USFS and cabin owners?

Due to the number of anticipated building permits, it is unlikely that only one individual will be responsible for all recreation residences permits and inspections.

20. Since so many cabins were burned down/destroyed (over 100), it will take a long time for assessing each lot, then more time for owners to develop plans, submit to the USFS for conceptual approval, and then submit to the County Building Department. Once the County approves the Construction Plans the Forest Service reviews any required modifications for final approval. Both agencies will have a significant increase in workload. What are the current timelines for plan submittal? Can the timelines be extended?

The letter authorizing you to rebuild will specify a timeframe to respond with your intentions, as well as a schedule for conceptual design plan submittal. Forest Service policy is for a conceptual design to be submitted within one year of destruction, and construction completed within two years of final plan approval.

We are aware of the impact of restoration and reconstruction of many structures to other agencies, as well as the current difficulty in hiring contactors, and obtaining construction supplies, and will develop an appropriate timeline of expectations in consideration of these factors.

21. Are there any building guidelines or design criteria that people can review now, while waiting for a decision by the USFS?

Recreation residences on forest system lands do not use the same zoning code requirements for development as the County. New construction must meet the requirements of Forest Service Handbook (FSH) 2709.11 Chapter 40 Special Uses Administration Region 5 Supplement No.:R5 2709.11-2021-1 - Effective Date: 3/24/2021 www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd570698.pdf and should retain the tract's visual and historical character.

A recommended source of information that provides design guidelines is the USDA's [A Guide to Maintaining the Historic Character of Your Forest Service Recreation Residence \(usda.gov\)](https://www.usda.gov/forestservice/historic-recreation-residence).

22. Do the rebuilding guidelines differ for tracts in non-historic vs eligible/historic tracts?

Yes and No. The design and construction of a cabin that was within a historic tract should complement and be compatible with patterns and styles of the previous or remaining historic buildings within the tract. This does not mean replicating a neighboring cabin or designing a structure that creates a false sense of history. It means that your replacement cabin should be of similar size and shape as historic

recreation residences in the area, and must be built using similar materials, colors, proportions, windows, and doors.

Whether historic or non-historic, the replacement residence should have shape, size, and proportions, (including roof, walls, foundations, windows, and doors), that are compatible with and complement the surrounding setting, site, and landscape features. The front of the replacement building should be similar width from common historic widths or forms.

Exterior materials for replacement buildings should be consistent with the wooded environment and architectural style of adjacent historic residences. Details such as eave and window trim, rafter tails, or use of sawn or round timbers should be consistent. The Forest Service may approve modern materials for use if their form and appearance is similar to those used in nearby historic cabins. For instance, the use of roofing materials that meet fire safety building standards would be considered. Modern architectural styles, or large walls of windows, would be considered inappropriate design.

Insurance:

23. Is it possible for insurance adjustors to access the lots prior to the forest reopening?

Insurance adjustors can access lots accompanied by the cabin permit holder who is carrying a copy of the validated Restricted Use Permit (FS-7700-48) with them. If the insurance adjustor will be going to the lot unaccompanied, the permit holder needs to add a signed and dated note to the back of the form giving their permission for access and identifying the name and company the person represents. The insurance adjustor can access the permit holder's lot by carrying a photocopy of these documents at all times when visiting the recreation residence tract. Be sure to share the safety information which is included as part of the permit.

24. Do permit holders with destroyed cabins need to retain liability insurance on their cabins to protect them if a member of BAER team, or any other worker is injured during the assessment and recovery stages on their lot?

The Forest Service does not require cabin permit holders to have homeowners or liability insurance.

Fees:

25. Can permit fees be waived in the future while the lots are unoccupied? If so, what do permit holders need to do?

Permit holders whose cabins were destroyed by the Caldor Fire in 2021 will not be billed for the 2022 annual land use rent fee. The determination to charge a land use rent fee or not in future years depends on whether a cabin is rebuilt on the lot and if so whether construction progress is meeting required timelines. Stay alert to communications from your Tract contacts/representatives and respond promptly to assist the Forest Service with confirming which cabins were destroyed.

26. Will permit fees be refunded for loss of use this year? If so, what do permit holders need to do?

There are currently no plans to refund fees for cabin permit holders whose cabins were not damaged or destroyed by the Caldor Fire. For lots where the cabin was destroyed, the special use permit will be placed in non-use status and refunds are being considered. Stay alert to communications from your Tract

contacts/representatives and respond promptly to assist the Forest Service with confirming which cabins were destroyed.

Burned Area Emergency Response (BAER):

27. What is the criteria for the Forest Service to be able to start the BAER assessment? Will El Dorado County also be doing inspections at same time, before, after?

The BAER assessments and recommended treatments are in process. The assessment for recreation residences covered the potential for flooding and debris flows exacerbated by the fire. The Natural Resource Conservation District will also be conducting similar assessments for El Dorado County for recreation residences, as the cabins are considered private personal property on Forest Service land.

28. Will we be told when the assessments are being done?

Yes, cabin owners will be notified individually.

29. Once BAER is initiated, how long is it likely to take from assessment to decision on allowing rebuilding?

The Forest Service anticipates notification to be provided within 6 months.

30. Is this a joint effort between the Eldorado National Forest and the Lake Tahoe Basin Management Unit?

A BAER team has been established by the Lake Tahoe Basin Management Unit and the Eldorado National Forest to begin a burned area assessment of the Caldor Fire. BAER assessments are rapid evaluations of the burned area used to identify unacceptable risks on NFS lands from post-fire threats and to assist land managers with preparing burned areas for rainstorms. Recreation staff from both forests are working together through this process.

Lot Cleanup:

31. Can cabin owners use the Governor's Office of Emergency Services (Cal OES) debris removal program? If not, is a federal program available? If neither of these programs are available, will the USFS have an approved list of contractors that can be used for debris removal?

Several agencies are working together to determine the process for debris removal efforts on recreation residence lots. More information will be provided as soon as possible.

32. Who is responsible for removing hazard trees on recreation residence lots?

The recreation residence permit holder is responsible for hazard trees that pose a risk to the permitted improvements. Contact your permit administrator to have hazard trees evaluated.

More information coming soon.