



United States  
Department of  
Agriculture

Forest  
Service

Clear Creek  
Ranger District

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File Code: 2720-2

Date: August 27, 2009

Heather Huntoon  
President  
Gilpin/Clear Creek Home & Land Association  
(GCCHLA)  
P.O. Box 573  
Georgetown, CO 80444

Dear Ms Huntoon:

In a recent meeting you had asked me the two questions: Why a permit was needed for the members of your Association to use existing forest roads, and why is the permit issued to GCCHLA instead of a single person?

Here is the answer to the first question. The Special Use Permit is issued to the members of the GCCHLA not for usage of the road, but to allow maintenance and improvements to that road. The permit allows the GCCHLA to plow the snow off in the winter months and run a grader or other type of equipment in the spring/summer to smooth the road caused by weather and usage. If no permit was issued, residents could use the road in its current condition, however it would be closed in the winter since snow plowing would not be allowed. Should the road deteriorate to the point where vehicles could not use it, no work to improve that road could be done unless a special use permit for reconstruction could be issued.

As with all special use permits issued, they must follow the guidelines of the National Environmental Policy Act (NEPA) which calls for specialists to analyze the effects of that activity on National Forest System lands and either recommend the action or deny the action as per decision by the Line Office (District Ranger). This process would have to be done every time the road needed improvements or maintenance work. The cost of this type of analysis would be approximately \$10,000 to \$15,000, and that cost would be paid by the proponent (GCCHLA). Your current Special Use Permit allows you the opportunity to plow the road and maintain the road in its current right of way without any further environmental analysis, until it expires.

As for the second question, we usually issue a special use permit to a single party if that permit affects only one party. If it serves more than one, then we ask folks to join into an association so we can issue one permit instead of 2 or more for the same use. This is also a cost savings to the individuals because for each permit we issue we need to follow NEPA as mentioned above. Each person would have to pay for the environmental analysis. If a group forms an association, then the cost of the environmental analysis could be split up equally by the number of folks in the association.

We as an agency have a hard time keeping up with the amount of requests we receive for new special use permits which in turn does not allow people to proceed as they would with getting access to their property. Dealing with one association and one permit is more efficient for us and to the parties that need a permit. If someone comes into our office and requests a permit in the



area where an association holds a permit, we recommend they go and join the association because we could potentially not get to that request for 5 years or more. By joining the association they would be granted the opportunities allowed in the association permit without any further analysis needed. The County will not issue a building permit if legal access to the property is not shown. If an individual party is part of the association and provides such proof, we tell the County that the party does have legal access to the property. If they do not belong to the association, we tell the County they are not part of the Special Use Permit and therefore do not have legal access.

I hope this answers your questions and if you need further clarification feel free to contact Patti Turecek of my staff at 303-567-3011 or myself at 303-567-3001. I appreciate the invitation to attend your annual GCCHLA meeting on September 19, 2009 and plan on attending once you finalize the plans.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.A. Lovato', with a stylized flourish at the end.

DANIEL A. LOVATO  
District Ranger

cc: Patti Turecek