

(Pub. L. 106-291, title VI, § 602, Oct. 11, 2000, 114 Stat. 1014.)

SHORT TITLE

Pub. L. 106-291, title VI, § 601, Oct. 11, 2000, 114 Stat. 1014, provided that: “This title [enacting this chapter] may be cited as the ‘Cabin User Fee Fairness Act of 2000’.”

§ 6202. Purposes

The purposes of this chapter are—

(1) to ensure, to the maximum extent practicable, that the National Forest System recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation; and

(2) to develop and implement a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

(Pub. L. 106-291, title VI, § 603, Oct. 11, 2000, 114 Stat. 1014.)

§ 6203. Definitions

In this chapter:

(1) Agency

The term “agency” means the Forest Service.

(2) Authorization

The term “authorization” means a special use permit for the use and occupancy of National Forest System land by a cabin owner under the authority of the program.

(3) Base cabin user fee

The term “base cabin user fee” means the fee for an authorization that results from the appraisal of a lot as determined in accordance with sections 6205 and 6206 of this title.

(4) Cabin

The term “cabin” means a privately built and owned recreation residence that is authorized for use and occupancy on National Forest System land.

(5) Cabin owner

The term “cabin owner” means—

(A) a person authorized by the agency to use and to occupy a cabin on National Forest System land; and

(B) an heir or assign of such a person.

(6) Cabin user fee

The term “cabin user fee” means a special use fee paid annually by a cabin owner to the Secretary in accordance with this chapter.

(7) Caretaker cabin

The term “caretaker cabin” means a caretaker residence occupied in limited cases in which caretaker services are necessary to maintain the security of a tract.

(8) Current cabin user fee

The term “current cabin user fee” means the most recent cabin user fee that results from an annual adjustment to the base cabin user fee in accordance with section 6207 of this title.

(9) Lot

The term “lot” means a parcel of land in the National Forest System—

(A) on which a cabin owner is authorized to build, use, occupy, and maintain a cabin and related improvements; and

(B) that is considered to be in its natural, native state at the time at which a use of the lot described in subparagraph (A) is first permitted by the Secretary.

(10) Natural, native state

The term “natural, native state” means the condition of a lot or site, free of any improvements, at the time at which the lot or site is first authorized for recreation residence use by the agency.

(11) Program

The term “program” means the recreation residence program established under the authority of section 497 of this title.

(12) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(13) Tract

The term “tract” means an established location within a National Forest containing 1 or more cabins authorized in accordance with the program.

(14) Tract association

The term “tract association” means a cabin owner association in which all cabin owners within a tract are eligible for membership.

(15) Typical lot

The term “typical lot” means a cabin lot, or a group of cabin lots, in a tract that is selected for use in an appraisal as being representative of, and that has similar value characteristics as, other lots or groups of lots within the tract.

(Pub. L. 106-291, title VI, § 604, Oct. 11, 2000, 114 Stat. 1014.)

§ 6204. Administration of recreation residence program

The Secretary shall ensure, to the maximum extent practicable, that the basis and procedure for calculating cabin user fees results in a fee for an authorization that reflects, in accordance with this chapter—

(1) the market value of a lot; and

(2) regional and local economic influences.

(Pub. L. 106-291, title VI, § 605, Oct. 11, 2000, 114 Stat. 1015.)

§ 6205. Appraisals

(a) Requirements for conducting appraisals

In implementing and conducting an appraisal process for determining cabin user fees, the Secretary shall—

(1) complete an inventory of improvements that were paid for by—

(A) the agency;

(B) third parties; or

(C) cabin owners (or predecessors of cabin owners),

during the completion of which the Secretary shall presume that a cabin owner, or a predecessor of the owner, has paid for the capital costs of any utility, access, or facility serving the lot being appraised, unless the Forest Service produces evidence that the agency or a third party has paid for the capital costs;

(2) establish an appraisal process to determine the market value of the fee simple estate of a typical lot or lots considered to be in a natural, native state, subject to subsection (b)(4)(A) of this section;

(3) enter into a contract with an appropriate professional appraisal organization to manage the development of specific appraisal guidelines in accordance with subsection (b) of this section, subject to public comment and congressional review;

(4) require that an appraisal be performed by a State-certified general real estate appraiser, selected by the Secretary and licensed to practice in the State in which the lot is located;

(5) provide the appraiser with appraisal guidelines developed in accordance with this chapter;

(6) notwithstanding any other provision of law, require the appraiser to coordinate the appraisal closely with affected parties by seeking information, cooperation, and advice from cabin owners and tract associations;

(7) require that the appraiser perform the appraisal in compliance with—

(A) the most current edition of the Uniform Standards of Professional Appraisal Practice in effect on the date of the appraisal;

(B) the most current edition of the Uniform Appraisal Standards for Federal Land Acquisitions that is in effect on the date of the appraisal; and

(C) the specific appraisal guidelines developed in accordance with this chapter;

(8) require that the appraisal report—

(A) be a full narrative report, in compliance with the reporting standards of the Uniform Standards of Professional Appraisal Practice; and

(B) comply with the reporting guidelines established by the Uniform Appraisal Standards for Federal Land Acquisitions; and

(9) before accepting any appraisal, conduct a review of the appraisal to ensure that the guidelines made available to the appraiser have been followed and that the appraised values are properly supported.

(b) Specific appraisal guidelines

In the development of specific appraisal guidelines in accordance with subsection (a)(3) of this section, the instructions to an appraiser shall require, at a minimum, the following:

(1) Appraisal of a typical lot

(A) In general

In conducting an appraisal under this section, the appraiser—

(i) shall not appraise each individual lot;

(ii) shall appraise a typical lot or lots, selected by the cabin owners and the agency in a manner consistent with the policy of the program; and

(iii) shall be provided, and give appropriate consideration to, any information contained in the inventory of improvements relating to the lot being appraised.

(B) Estimate of market value of typical lot

(i) In general

The appraiser shall estimate the market value of a typical lot in accordance with this chapter.

(ii) Equivalence to legally subdivided lot

In selecting a comparable sale under this chapter, the appraiser shall recognize that the typical lot will not usually be equivalent to a legally subdivided lot.

(2) Exception for certain sales of land

In conducting an appraisal under this chapter, the appraiser—

(A) shall not select sales of comparable land that are sales of land within developed urban areas; and

(B) should not, in most circumstances, select a sale of comparable land that includes land that is encumbered by a conservation or recreational easement that is held by a government or institution, except land that is limited to use as a site for 1 home.

(3) Adjustments for typical value influences

(A) In general

The appraiser shall consider, and adjust as appropriate, the price of sales of comparable land for all typical value influences described in subparagraph (B).

(B) Value influences

The typical value influences referred to in subparagraph (A) include—

(i) differences in the locations of the parcels;

(ii) accessibility, including limitations on access attributable to—

(I) weather;

(II) the condition of roads or trails;

(III) restrictions imposed by the agency; or

(IV) other factors;

(iii) the presence of marketable timber;

(iv) limitations on, or the absence of, services such as law enforcement, fire control, road maintenance, or snow plowing;

(v) the condition and regulatory compliance of any site improvements; and

(vi) any other typical value influences described in standard appraisal literature.

(4) Adjustments to sales of comparable parcels

(A) Utilities, access, or facilities

(i) Agency

Utilities, access, or facilities serving a lot that are provided by the agency shall be included as features of the lot being appraised.

(ii) Cabin owners

Utilities, access, or facilities serving a lot that are provided by the cabin owner (or a predecessor of the cabin owner) shall not be included as a feature of the lot being appraised.

(iii) Third parties

Utilities, access, or facilities serving a lot that are provided by a third party shall not be included as a feature of the lot being appraised unless, in accordance with subsection (a)(1) of this section, the agency determines that the capital costs have not been or are not being paid by the cabin owner (or a predecessor of the cabin owner).

(iv) Withdrawal of utility or access by agency

If, during the term of an authorization, the agency or an act of God creates a substantial and materially adverse change in—

(I) the provision or maintenance of any utility or access; or

(II) a qualitative feature of the lot or immediate surroundings,

the cabin owner shall have the right to request, and, at the discretion of the Secretary, obtain a new determination of the base cabin user fee at the expense of the agency.

(B) Adjustment for exclusion

In a case in which any comparable sale includes utilities, access, or facilities that are to be excluded in the appraisal of the subject lot, the price of the comparable sale shall be adjusted, as appropriate.

(C) Adjustment process**(i) In general**

The appraiser shall consider and adjust, as appropriate, the price of each sale of a comparable parcel for all nonnatural features referred to in subparagraph (A)(ii) that—

(I)(aa) are present at, or add value to, the comparable parcel; but

(bb) are not present at the lot being appraised; or

(II) are not included in the appraisal as described in subparagraph (A).

(ii) Adjustments**(I) In general**

In a case in which the price of a parcel sold is to be adjusted in accordance with subparagraph (B), the adjustment may be based on an analysis of market or cost information or both.

(II) Cost information

If cost information is used as the basis of an adjustment under subclause (I), the cost information shall be supported by direct market evidence.

(iii) Analysis of cost information

An analysis of cost information under clause (ii)(I) should include allowances, as appropriate, if the allowances are consistent with—

(I) the Uniform Standards of Professional Appraisal Practice in effect on the date of the analysis; and

(II) the Uniform Appraisal Standards for Federal Land Acquisition.

(D) Reappraisal for and recalculation of base cabin user fee

Periodically, but not less often than once every 10 years, the Secretary shall recalculate the base cabin user fee (including conducting any reappraisal required to recalculate the base cabin user fee).

(Pub. L. 106-291, title VI, § 606, Oct. 11, 2000, 114 Stat. 1015.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6203, 6206, 6207, 6209, 6213 of this title.

§ 6206. Cabin user fees**(a) In general**

The Secretary shall establish the cabin user fee as the amount that is equal to 5 percent of the market value of the lot, as determined in accordance with section 6205 of this title, reflecting an adjustment to the typical market rate of return due to restrictions imposed by the permit, including—

(1) the limited term of the authorization;

(2) the absence of significant property rights normally attached to fee simple ownership; and

(3) the public right of access to, and use of, any open portion of the lot on which the cabin or other enclosed improvements are not located.

(b) Fee for caretaker cabin

The base cabin user fee for a lot on which a caretaker cabin is located shall not be greater than the base cabin user fee charged for the authorized use of a similar typical lot in the tract.

(c) Annual cabin user fee in the event of determination not to reissue authorization

If the Secretary determines that an authorization should not be reissued at the end of a term, the Secretary shall—

(1) establish as the new base cabin user fee for the remaining term of the authorization the amount charged as the cabin user fee in the year that was 10 years before the year in which the authorization expires; and

(2) calculate the current cabin user fee for each of the remaining 9 years of the term of the authorization by multiplying—

(A) $\frac{1}{10}$ of the new base cabin user fee; by

(B) the number of years remaining in the term of the authorization after the year for which the cabin user fee is being calculated.

(d) Annual cabin user fee in event of changed conditions

If a review of a decision to convert a lot to an alternative public use indicates that the continuation of the authorization for use and occupancy of the cabin by the cabin owner is warranted, and the decision is subsequently reversed, the Secretary may require the cabin owner to pay any portion of annual cabin user fees that were forgone as a result of the expectation of termination of use and occupancy of the cabin by the cabin owner.

(e) Termination of fee obligation in loss resulting from acts of God or catastrophic events

On a determination by the agency that, because of an act of God or a catastrophic event,