

111TH CONGRESS
2^D SESSION

H. R. 4888

To revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2010

Mr. HASTINGS of Washington (for himself, Mr. COSTA, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mrs. LUMMIS, Mr. RADANOVICH, Mrs. MCMORRIS RODGERS, Mr. SIMPSON, Mr. NUNES, Mr. CHAFFETZ, Mr. REHBERG, and Mr. HERGER) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cabin Fee Act of
5 2010”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AUTHORIZATION.**—The terms “authorized”
4 and “authorization” refer to the issuance of a spe-
5 cial use permit for the use and occupancy of Na-
6 tional Forest System land derived from the public
7 domain by a cabin owner under the Recreation Resi-
8 dence Program.

9 (2) **CABIN.**—The term “cabin” means a pri-
10 vately built and owned recreation residence and re-
11 lated improvements on National Forest System land
12 derived from the public domain that is authorized
13 for private use and occupancy and may be sold or
14 transferred between private parties.

15 (3) **CABIN OWNER.**—The term “cabin owner”
16 means a person, heir, trust, or assignee authorized
17 to use, occupy, and dispose of a cabin on National
18 Forest System lands derived from the public domain
19 or an heir or assignee of such a person.

20 (4) **CABIN TRANSFER FEE.**—The term “cabin
21 transfer fee” means a fee paid to the United States
22 upon the transfer of a cabin between private parties
23 for money or other consideration.

24 (5) **CABIN USER FEE.**—The term “cabin user
25 fee” means an annual fee paid to the United States
26 by a cabin owner pursuant to an authorization for

1 the use and occupancy of a cabin on National Forest
2 System land derived from the public domain.

3 (6) CURRENT CABIN USER FEE.—The term
4 “current cabin user fee” means the most recent
5 cabin user fee, which results from an annual adjust-
6 ment to the prior cabin user fee under section 3(d).

7 (7) LOT.—The term “lot” means a parcel of
8 National Forest System land derived from the public
9 domain on which a person is authorized to build,
10 use, occupy, and maintain a cabin.

11 (8) NATIONAL FOREST SYSTEM LAND.—The
12 term “National Forest System land” is limited to
13 National Forest System land derived from the public
14 domain.

15 (9) RECREATION RESIDENCE PROGRAM.—The
16 term “Recreation Residence Program” means the
17 Recreation Residence Program established pursuant
18 to the last paragraph under the heading “FOREST
19 SERVICE” in the Act of March 4, 1915 (38 Stat.
20 1101, chapter 144; 16 U.S.C. 497).

21 (10) SECRETARY.—The term “Secretary”
22 means the Secretary of Agriculture, acting through
23 the Chief of the Forest Service.

24 (11) TYPICAL LOT.—The term “typical lot”
25 means a cabin lot, or group of cabin lots, in a tract

1 that is selected for use in an appraisal as being rep-
2 resentative of, and that has similar value character-
3 istics as, other lots or groups of lots within the tract.

4 **SEC. 3. CABIN USER FEES.**

5 (a) PAYMENT OF CABIN USER FEES.—

6 (1) ANNUAL PAYMENT.—A cabin user fee shall
7 be paid annually by the cabin owner.

8 (2) INSTALLMENTS.—Payment of the cabin
9 user fee for a year may be made in two installments.

10 (b) INITIAL CABIN USER FEES.—

11 (1) ESTABLISHMENT.—The Secretary shall es-
12 tablish initial cabin user fees in the manner required
13 by this subsection.

14 (2) ASSIGNMENT TO VALUE TIERS.—The Sec-
15 retary shall assign each permitted lot on National
16 Forest System land to one of five tiers based on the
17 most recent appraised value of the typical lot to
18 which the permitted lot is assigned, as of the date
19 of the enactment of this Act. The tiers shall be ar-
20 ranged according to relative lot value, with lots hav-
21 ing the lowest appraised value assigned to Tier 1
22 and lots having the highest appraised value assigned
23 to Tier 5. The number of lots (by percentage) as-
24 signed to each tier is specified in the table contained
25 in paragraph (3) and is intended to achieve fairness

1 and affordability. The cabin user fee assigned shall
 2 be based on the particular tier in which a lot is
 3 placed, as specified in the table contained in para-
 4 graph (3).

5 (3) TABLE OF INITIAL CABIN USER FEES.—The
 6 initial cabin user fees, based on the assignments
 7 made by the Secretary under subsection (b), are as
 8 follows:

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1	10%	\$500
Tier 2	35%	\$1,000
Tier 3	40%	\$2,000
Tier 4	10%	\$3,000
Tier 5	5%	\$4,000.

9 (4) EFFECTIVE DATE.—The initial cabin user
 10 fees required by this subsection shall take effect be-
 11 ginning with the first calendar year beginning after
 12 the date of the enactment of this Act.

13 (c) OVERPAYMENTS OR UNDERPAYMENTS.—

14 (1) OVERPAYMENTS.—If the initial cabin user
 15 fee established for a cabin for the calendar year
 16 specified in subsection (b)(4) or the current cabin
 17 user fee in effect for a subsequent year is less than
 18 the amount of the cabin user fee already paid by the
 19 cabin owner for that calendar year, the Secretary

1 shall remit to the cabin owner any difference that is
2 \$25 or more between the amount of the cabin user
3 fee already paid for that calendar year and the
4 amount of the initial cabin user fee or current cabin
5 user fee, whichever applies.

6 (2) UNDERPAYMENTS.—If the initial cabin user
7 fee established for a cabin for the calendar year
8 specified in subsection (b)(4) or the current cabin
9 user fee in effect for a subsequent year is more than
10 the amount of the cabin user fee already paid by the
11 cabin owner for that calendar year, the Secretary
12 shall collect from the cabin owner any difference
13 that is \$25 or more between the amount of the cabin
14 user fee paid already paid for that calendar year and
15 the amount of the initial cabin user fee or current
16 cabin user fee, whichever applies.

17 (d) ANNUAL ADJUSTMENTS OF CABIN USER FEE.—
18 The Secretary shall use changes in the Implicit Price
19 Deflator for the Gross Domestic Product published by the
20 Bureau of Economic Analysis of the Department of Com-
21 merce, applied on a five-year rolling average, to determine
22 and apply an annual adjustment to cabin user fees.

23 (e) EFFECT OF DESTRUCTION, SUBSTANTIAL DAM-
24 AGE, OR LOSS OF ACCESS.—If a cabin is destroyed or suf-
25 fers substantial damage (greater than 50 percent), or if

1 access to a cabin is significantly impaired, whether by cat-
 2 astrophic events, natural causes or governmental actions,
 3 such that the cabin is rendered unsafe or unable to be
 4 occupied as a result, the Secretary shall reduce the cabin
 5 user fee for the affected lot to \$100 per year. This fee
 6 shall be in effect for the remainder of the year in which
 7 the destruction occurs and until such time as the cabin
 8 may be lawfully reoccupied and normal access has been
 9 restored.

10 **SEC. 4. CABIN TRANSFER FEES.**

11 (a) PAYMENT OF CABIN TRANSFER FEES.—In con-
 12 junction with the transfer of ownership of any cabin, the
 13 transferor shall file with the Secretary a sworn statement
 14 declaring the amount of money or other value received,
 15 if any, for the transfer of the cabin. As a condition of
 16 the issuance by the Secretary of a new authorization for
 17 the use and occupancy of the cabin, the transferor shall
 18 pay, or cause to be paid, to the Secretary a cabin transfer
 19 fee in an amount determined as follows:

Consideration Received by Transfer	Transfer Fee Amount
\$0 to \$250,000	\$1,000
\$250,000.01 to \$500,000.00	\$1,000 plus 5% of consideration in excess of \$250,000 up to \$500,000
\$500,000.01 and above	\$1,000 plus 5% of consideration in excess of \$250,000 up to \$500,000 plus 10% of consideration in excess of \$500,000.

1 (b) INDEX.—The Secretary shall use changes in the
2 Implicit Price Deflator for the Gross Domestic Product
3 published by the Bureau of Economic Analysis of the De-
4 partment of Commerce, applied on a five-year rolling aver-
5 age, to determine and apply an annual adjustment to the
6 cabin transfer fee threshold amounts (\$250,000.01 and
7 \$500,000.01) set forth in the table contained in subsection
8 (a).

9 **SEC. 5. ALLOCATION OF CABIN USER FEE AND CABIN**
10 **TRANSFER FEE REVENUE.**

11 The Secretary shall retain the amount of revenue
12 from cabin user fees and cabin transfer fees necessary to
13 fully cover the costs incurred by the Forest Service to ad-
14 minister the Recreation Residence Program. Revenue col-
15 lected in excess of that amount shall be deposited in the
16 Treasury.

17 **SEC. 6. RIGHT OF APPEAL AND JUDICIAL REVIEW.**

18 (a) RIGHT OF APPEAL.—Notwithstanding any action
19 of a cabin owner to exercise rights in accordance with sec-
20 tion 7, the Secretary shall by regulation grant the cabin
21 owner the right to an administrative appeal of the deter-
22 mination of a new cabin user fee.

23 (b) JUDICIAL REVIEW.—A cabin owner that contests
24 a final decision of the Secretary under this Act may bring
25 a civil action in United States district court.

1 **SEC. 7. CONSISTENCY WITH OTHER LAW AND RIGHTS.**

2 (a) CONSISTENCY WITH RIGHTS OF THE UNITED
3 STATES.—Nothing in this Act limits or restricts any right,
4 title, or interest of the United States in or to any land
5 or resource.

6 (b) SPECIAL RULE FOR ALASKA.—In determining a
7 cabin user fee in the State of Alaska, the Secretary shall
8 not establish or impose a cabin user fee or a condition
9 affecting a cabin user fee that is inconsistent with 1303(d)
10 of the Alaska National Interest Lands Conservation Act
11 (16 U.S.C. 3193(d)).

12 **SEC. 8. REGULATIONS.**

13 The Secretary shall promulgate regulations to carry
14 out this Act not later than the effective date specified in
15 section 3(b)(4).

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