

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

(b) 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.)

**§ 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, a lot cannot be safely occupied and the authorization for the lot should accordingly be terminated, the fee obligation of the cabin owner shall terminate effective on the date of the occurrence of the act or event.

(Pub. L. 106–291, title VI, §607, Oct. 11, 2000, 114 Stat. 1018.)

**§ 6207. Annual adjustment of cabin user fee**

**(a) In general**

The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average of a published price index in accordance with subsection (b) or (c) of this section that reports changes in rural or similar land values in the State, county, or market area in which the lot is located.

**(b) Initial index**

**(1) In general**

For the period of 10 years beginning on October 11, 2000, the Secretary shall use changes in agricultural land prices in the appropriate State or county, as reported in the Index of Agricultural Land Prices published by the Department of Agriculture, to determine the annual adjustment to the cabin user fee in accordance with subsections (a) and (d) of this section.

**(2) Statewide changes**

In determining the annual adjustment to the cabin user fee for an authorization located in