

AUTHORITIES – LAW – REGULATION – POLICY ***(...and why is there a fee?)***

Authority

There are many laws that govern occupancy and use of National Forest System lands; however the most recent legislation applicable to the private use of Recreation Occupancy Vessels (ROV) under special use permit, is the Federal Lands Recreation Enhancement Act (REA). This Act was passed into law as part of the 2005 Consolidated Appropriations Act (Public Law 108-447) on December 8, 2004. This law authorizes the USDA Forest Service and four Departments of the Interior agencies--Bureau of Land Management, Bureau of Reclamation, National Park Service, and Fish and Wildlife Service--to issue special use permits and retain fee revenues. Prior to 2005, laws authorizing the issuance of special use permits did not allow the retention of fees locally.

Regulations = Laws

Title 36 of the Code of Federal Regulations

All uses of National Forest System lands, improvements, and resources...are designated "special uses"... and must obtain a special use authorization from the authorized officer...." Special use authorizations, except as otherwise provided in this part... **shall require** the payment in advance of an annual rental fee as determined by the authorized officer. The fee will be based upon the fair market value of the rights and privileges authorized as determined by appraisal or other sound business management principles....

Policy

Forest Service Manual 2700

- Establish and collect fees that reflect fair market value...as determined by appraisal or other sound business management principles....
- Do not charge less than the minimum fee....
- The Regional Forester is responsible for coordinating regional fee reviews... Establishment of regional minimum fees...and to update the fees yearly using the appropriate index and provide for review every 5 years....
- The Authorized Officer is responsible for establishing a fee based on fair market value of each use when there is no established regional or national fee schedule....
- "Houseboats...include any craft that is used principally for recreation occupancy purposes as opposed to transportation.... In the absence of market rental data, calculate fees for privately owned and operated houseboats so that these fees equal or exceed the market rent for cabin sites in the adjacent or nearby area...the minimum permit fee is \$150 per year....
- An ROV is further defined in the National Recreation Area Management Plan.

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