

§ 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 a county in which agricultural land prices are influenced by the criteria described in section 6205(b)(2) of this title, the Secretary shall use average statewide changes in the State in which the lot is located.

(c) New index**(1) In general**

Not later than 10 years after October 11, 2000, the Secretary may select and use an index other than the method of adjustment of a cabin user fee described in subsection (b)(2) of this section to adjust a cabin user fee if the Secretary determines that a different index better reflects change in the value of a lot over time.

(2) Selection process

Before selecting a new index, the Secretary shall—

- (A) solicit and consider comments from the public; and
- (B) not later than 60 days before the date on which the Secretary makes a final index selection, submit any proposed selection of a new index to—
 - (i) the Committee on Resources of the House of Representatives; and
 - (ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) Limitation

In calculating an annual adjustment to the base cabin user fee as determined by the initial index described in section¹ (b) of this section, the Secretary shall—

- (1) limit any annual fee adjustment to an amount that is not more than 5 percent per year when the change in agricultural land values exceeds 5 percent in any 1 year; and
- (2) apply the amount of any adjustment that exceeds 5 percent to the annual fee payment for the next year in which the change in the index factor is less than 5 percent.

¹ So in original. Probably should be “subsection”.

(Pub. L. 106–291, title VI, §608, Oct. 11, 2000, 114 Stat. 1019; Pub. L. 108–7, div. F, title III, §324, Feb. 20, 2003, 117 Stat. 275.)

REPEAL OF SECTION

Pub. L. 113–291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.

AMENDMENTS

2003—Subsec. (b)(2). Pub. L. 108–7 substituted “criteria” for “value influences” and “section 6205(b)(2)” for “section 6205(b)(3)”.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 6208. Payment of cabin user fees**(a) Due date for payment of fees**

A cabin user fee shall be prepaid annually by the cabin owner.

(b) Payment of equal or lesser fee

If, in accordance with section 6206 of this title, the Secretary determines that the amount of a new base cabin user fee is equal to or less than the amount of the current base cabin user fee, the Secretary shall require payment of the new base cabin user fee by the cabin owner in accordance with subsection (a) of this section.

(c) Payment of greater fee

If, in accordance with section 6206 of this title, the Secretary determines that the amount of a new base cabin user fee is greater than the amount of the current base cabin user fee, the Secretary shall—

- (1) require full payment of the new base cabin user fee in the first year following completion of the fee determination procedure if the increase in the amount of the new base cabin user fee is not more than 100 percent of the current base cabin user fee; or
- (2) phase in the increase over the current base cabin user fee in approximately equal increments over 3 years if the increase in the amount of the new base cabin user fee is more than 100 percent of the current base cabin user fee.

(Pub. L. 106–291, title VI, §609, Oct. 11, 2000, 114 Stat. 1020.)

REPEAL OF SECTION

Pub. L. 113–291, div. B, title XXX, §3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.

§ 6209. Right of second appraisal**(a) Right of second appraisal**

On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner—

(1) not later than 60 days after the date on which the notice is received, may notify the Secretary of the intent of the cabin owner to obtain a second appraisal; and

(2) may obtain, within 1 year following the date of receipt of the notice under this subsection, at the expense of the cabin owner, a second appraisal of the typical lot on which the initial appraisal was conducted.

(b) Conduct of second appraisal

In conducting a second appraisal, the appraiser selected by the cabin owner shall—

(1) have qualifications equivalent to the appraiser that conducted the initial appraisal in accordance with section 6205(a)(4) of this title;

(2) use the appraisal guidelines used in the initial appraisal in accordance with section 6205(a)(5) of this title;

(3) consider all relevant factors in accordance with this chapter (including guidelines developed under section 6205(a)(3) of this title); and

(4) notify the Secretary of any material differences of fact or opinion between the initial appraisal conducted by the agency and the second appraisal.

(c) Request for reconsideration of base cabin user fee

A cabin owner shall submit to the Secretary any request for reconsideration of the base cabin user fee, based on the results of the second appraisal, not later than 60 days after the receipt of the report for the second appraisal.

(d) Reconsideration of base cabin user fee

On receipt of a request from the cabin owner under subsection (c) of this section for reconsideration of a base cabin user fee, not later than 60 days after the date of receipt of the request, the Secretary shall—

(1) review the initial appraisal of the agency;

(2) review the results and commentary from the second appraisal;

(3) determine a new base cabin user fee in an amount that is—

(A) equal to the base cabin user fee determined by the initial or the second appraisal; or

(B) within the range of values, if any, between the initial and second appraisals; and

(4) notify the cabin owner of the amount of the new base cabin user fee.

(Pub. L. 106-291, title VI, § 610, Oct. 11, 2000, 114 Stat. 1020.)

REPEAL OF SECTION

Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.

§ 6210. Right of appeal and judicial review

(a) Right of appeal

Notwithstanding any action of a cabin owner to exercise rights in accordance with section 6209 of this title, the Secretary shall by regulation grant the cabin owner the right to an ad-

ministrative appeal of the determination of a new base cabin user fee.

(b) Judicial review

A cabin owner that is adversely affected by a final decision of the Secretary under this chapter may bring a civil action in United States district court.

(Pub. L. 106-291, title VI, § 611, Oct. 11, 2000, 114 Stat. 1021.)

REPEAL OF SECTION

Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.

§ 6211. Consistency with other law and rights

(a) Consistency with rights of the United States

Nothing in this chapter limits or restricts any right, title, or interest of the United States in or to any land or resource.

(b) Special rule for Alaska

In determining a cabin user fee in the State of Alaska, the Secretary shall not establish or impose a cabin user fee or a condition affecting a cabin user fee that is inconsistent with section 3193(d) of this title.

(Pub. L. 106-291, title VI, § 612, Oct. 11, 2000, 114 Stat. 1021.)

REPEAL OF SECTION

Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.

§ 6212. Regulations

Not later than 2 years after October 11, 2000, the Secretary shall promulgate regulations to carry out this chapter.

(Pub. L. 106-291, title VI, § 613, Oct. 11, 2000, 114 Stat. 1022.)

REPEAL OF SECTION

Pub. L. 113-291, div. B, title XXX, § 3024(k), Dec. 19, 2014, 128 Stat. 3766, provided that, effective on the date of the assessment of annual permit fees in accordance with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.

§ 6213. Transition provisions

(a) Assessment of annual fees

For the period of time determined under subsection (b) of this section, the Secretary shall charge each cabin owner an annual fee as follows:

(1) Lots not appraised since September 30, 1995

For a lot that has not been appraised since September 30, 1995, the annual fee shall be equal to the amount of the annual fee in effect on October 11, 2000, adjusted annually to re-