

(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with section 6214(f) of this title (as certified to Congress by the Secretary of Agriculture), this section is repealed.*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-

flect changes in the Implicit Price Deflator-Gross National Product Index.

**(2) Lots appraised on or after September 30, 1995**

**(A) In general**

Except as provided in subparagraph (B), for a lot that has been appraised on or after September 30, 1995, the annual fee shall be equal to the amount of the fee in effect on October 11, 2000, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

**(B) Appraisals resulting in base fee increase**

**(i) In general**

Except as provided in clause (ii), for a lot that has been appraised on or after September 30, 1995, for which the appraisal resulted in an increase of the base fee by an amount greater than \$3,000, the annual fee shall be equal to the sum of \$3,000 plus the amount of the annual fee in effect on October 1, 1996, adjusted annually to reflect the percentage change in the Implicit Price Deflator-Gross National Product Index.

**(ii) Fees paid after request of new appraisal or peer review**

If—

(I) the cabin owner of a lot described in clause (i) requests a new appraisal or peer review under subsection (c) of this section; and

(II) the base cabin user fee established as a result of the appraisal or peer review is determined to be an amount that is 90 percent or more of the fee in effect for the lot as determined by an appraisal conducted on or after September 30, 1995,

the Secretary shall charge the cabin owner, in addition to the annual fee that would otherwise have been due under section 6208 of this title, the difference between the base cabin user fee determined through the conduct of the new appraisal or peer review and the annual fee that would otherwise have been due under section 6208 of this title, to be assessed retroactively for each year beginning with the year in which the previous appraisal was conducted, and to be paid in 3 equal annual installments.

**(b) Term**

**(1) Lots not appraised since September 30, 1995**

For a lot that has not been appraised since September 30, 1995, the Secretary shall charge fees in accordance with subsection (a)(2)(A) of this section until—

(A) a base cabin user fee is determined in accordance with—

(i) this chapter; or

(ii) regulations and policies in effect on October 11, 2000; and

(B) the right of the cabin owner to a second appraisal under section 6209 of this title is exhausted.

**(2) Lots appraised on or after September 30, 1995**

For a lot that has been appraised on or after September 30, 1995, the Secretary shall charge

fees under subsection (a)(2) of this section until—

(A) the cabin owner requests a new appraisal or peer review, and a base cabin user fee is established, under subsection (c) of this section; or

(B) in the absence of a request for a peer review or a new appraisal under subsection (c) of this section, the date that is 2 years after the date on which the Forest Service promulgates regulations and policies and develops appraisal guidelines under this chapter.

**(c) Request for new appraisal under new law**

**(1) In general**

Not later than 2 years after the promulgation of final regulations and policies and the development of appraisal guidelines in accordance with section 6205(a)(5) of this title, cabin owners that are subject to appraisals completed after September 30, 1995, but before the date of promulgation of final regulations under section 6212 of this title, may request, in accordance with paragraph (2), that the Secretary—

(A) conduct a new appraisal and determine a new base cabin user fee in accordance with this chapter; or

(B) commission a peer review of the existing appraisals in accordance with paragraph (4).

**(2) Appraisal groupings by typical lot**

A request for a new appraisal or for a peer review of existing appraisals under paragraph (1) shall be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

**(3) Conduct of new appraisal**

On receipt of a request for an appraisal and fee determination in accordance with paragraph (2), the Secretary shall conduct the new appraisal and fee determination in accordance with this chapter.

**(4) Peer review of existing appraisals**

**(A) In general**

On receipt of a request for peer review in accordance with paragraph (2), the Secretary shall obtain from an independent professional appraisal organization a review of the appraisal (including any report on the appraisal) that was used to establish the estimated fee simple value of the lots within the subject grouping.

**(B) Inconsistency**

If peer review described in subparagraph (A) results in a determination that an appraisal or appraisal report includes provisions or procedures that were implemented or conducted in a manner inconsistent with this chapter, the Secretary shall, as appropriate and in accordance with this chapter—

(i) revise an existing base cabin user fee; or

(ii) subject to an agreement with the cabin owners, conduct a new appraisal and fee determination.

**(5) Payment of costs**

Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

**(d) Assumption of new base cabin user fee**

In the absence of a request under subsection (c) of this section for a new appraisal and fee determination from a cabin owner whose cabin user fee was determined as a result of an appraisal conducted after September 30, 1995, but before the date of promulgation of final regulations under section 6212 of this title, the Secretary may consider the base cabin user fee resulting from the appraisal conducted between September 30, 1995 and the date of promulgation of the final regulations under section 6212 of this title, to be the base cabin user fee that complies with this section.

(Pub. L. 106-291, title VI, §614, 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.*

**§ 6214. Cabin user and transfer fees**

**(a) In general**

The Secretary of Agriculture (referred to in this section as the “Secretary”) shall establish a fee in accordance with this section for the issuance of a special use permit for the use and occupancy of National Forest System land for recreational residence purposes.

**(b) Interim fee**

During the period beginning on January 1, 2014, and ending on the last day of the calendar year during which the current appraisal cycle is completed under subsection (c), the Secretary shall assess an interim annual fee for recreational residences on National Forest System land that is an amount equal to the lesser of—

- (1) the fee determined under the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.), subject to the requirement that any increase over the fee assessed during the previous year shall be limited to not more than 25 percent; or
- (2) \$5,600.

**(c) Completion of current appraisal cycle**

Not later than 1 year after December 19, 2014, the Secretary shall complete the current appraisal cycle, including receipt of timely second appraisals, for recreational residences on National Forest System land in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) (referred to in this section as the “current appraisal cycle”).

**(d) Lot value**

Only appraisals conducted and approved by the Secretary in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) during the current appraisal cycle shall be used to establish the base value assigned to the lot,

subject to the adjustment in subsection (e). If a second appraisal—

- (1) was approved by the Secretary, the value established by the second appraisal shall be the base value assigned to the lot; or
- (2) was not approved by the Secretary, the value established by the initial appraisal shall be the base value assigned to the lot.

**(e) Adjustment**

On the date of completion of the current appraisal cycle, and before assessing a fee under subsection (f), the Secretary shall make a 1-time adjustment to the value of each appraised lot on which a recreational residence is located to reflect any change in value occurring after the date of the most recent appraisal for the lot, in accordance with the 4th quarter of 2012 National Association of Homebuilders/Wells Fargo Housing Opportunity Index.

**(f) Annual fee**

**(1) Base**

After the date on which appraised lot values have been adjusted in accordance with subsection (e), the annual fee assessed prospectively by the Secretary for recreational residences on National Forest System land shall be in accordance with the following tiered fee structure:

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1	6 percent	\$650
Tier 2	16 percent	\$1,150
Tier 3	26 percent	\$1,650
Tier 4	22 percent	\$2,150
Tier 5	10 percent	\$2,650
Tier 6	5 percent	\$3,150
Tier 7	5 percent	\$3,650
Tier 8	3 percent	\$4,150
Tier 9	3 percent	\$4,650
Tier 10	3 percent	\$5,150
Tier 11	1 percent	\$5,650.

**(2) Inflation adjustment**

The Secretary shall increase or decrease the annual fees set forth in the table under paragraph (1) to reflect changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a 5-year rolling average.

**(3) Access and occupancy adjustment**

**(A) In general**

The Secretary shall by regulation establish criteria pursuant to which the annual fee determined in accordance with this section may be suspended or reduced temporarily if access to, or the occupancy of, the recreational residence is significantly restricted.

**(B) Appeal**

The Secretary shall by regulation grant the cabin owner the right of an administrative appeal of the determination made in accordance with subparagraph (A) whether to suspend or reduce temporarily the annual fee.