

the State of California with the provisions of this subsection.

“(7) The conveyance shall be subject to the following reservations or exceptions:

“(A) existing ditches and canals as authorized by the Act of August 30, 1890 (43 U.S.C. 945); and

“(B) any existing rights-of-way to provide the United States and its assigns access to federally owned lands.

“(d) ENFORCEMENT.—Upon the request of the Secretary, the Attorney General shall bring any action or take any other steps necessary to enforce the provisions of subsection (c) of this section.

“(e) TIMING, VALUE, AND STATUS.—(1) Conveyance of lands to the State of California pursuant to this Act shall occur when the agreement described in paragraph (1) of subsection (c) has been reached. The restrictions and conditions specified in paragraphs (2), (3), (4), (5), (6), and (7) of subsection (c) shall be included in the instruments of conveyance of lands to the State of California.

“(2) Effective upon the conveyance to the State of California of lands described in subsection (a) of this section, or two years after the date of enactment of this Act [Oct. 17, 1990], whichever is sooner, the National Forest designation of such lands shall terminate. Any such lands not conveyed to the State of California shall thereupon be incorporated into the Stanislaus National Forest and managed to preserve and protect the stands of ponderosa pine, sugar pine, and giant sequoia trees located on such lands.

“(3) Any lands conveyed to the United States pursuant to this Act shall be deemed national forest lands and managed according to the laws governing the management of the National Forest System. If any such lands are outside existing boundaries of one or more National Forests, the Secretary shall modify such boundaries as he deems appropriate to include such lands.

“(4) Values of the respective lands exchanged between the United States and the State of California pursuant to this Act shall be of ‘approximately equal value’ as that term is defined by regulations implementing the Act of January 12, 1983, known as the Small Tracts Act (16 U.S.C. 521c–521i).”

§ 495. Leases of lands for sanitariums or hotels

The Secretary of Agriculture is authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any national forest established within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of Agriculture is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this section.

(Feb. 28, 1899, ch. 221, §1, 30 Stat. 908; Feb. 1, 1905, ch. 288, §1, 33 Stat. 628.)

CODIFICATION

“National forest” substituted in text for “forest reserves” on authority of act Mar. 4, 1907, ch. 2907, 34

Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905 transferred certain functions with regard to administration of national forests from Secretary of the Interior to Secretary of Agriculture.

§ 496. Disposition of funds

All funds arising from the privileges granted under section 495 of this title shall be covered into the Treasury of the United States as provided by law.

(Feb. 28, 1899, ch. 221, §2, 30 Stat. 908; Mar. 4, 1907, ch. 2907, 34 Stat. 1270.)

CODIFICATION

As enacted by act Feb. 28, 1899, section provided that the funds be “covered into the Treasury of the United States as a special fund, to be expended in the care of public forest reservations”.

Section was affected by act Mar. 4, 1907, which provides that all revenue from the national forests shall be covered into the Treasury as a miscellaneous receipt.

§ 497. Use and occupation of lands for hotels, resorts, summer homes, stores, and facilities for industrial, commercial, educational or public uses

The Secretary of Agriculture is authorized, under such regulations as he may make and upon such terms and conditions as he may deem proper, (a) to permit the use and occupancy of suitable areas of land within the national forests, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining hotels, resorts, and any other structures or facilities necessary or desirable for recreation, public convenience, or safety; (b) to permit the use and occupancy of suitable areas of land within the national forests, not exceeding five acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining summer homes and stores; (c) to permit the use and occupancy of suitable areas of land within the national forest, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining buildings, structures, and facilities for industrial or commercial purposes whenever such use is related to or consistent with other uses on the national forests; (d) to permit any State or political subdivision thereof, or any public or nonprofit agency, to use and occupy suitable areas of land within the national forests not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining any buildings, structures, or facilities necessary or desirable for education or for any public use or in connection with any public activity. The authority provided by this section shall be exercised in such manner as not to preclude the general public from full enjoyment of the natural, scenic, recreational, and other aspects of the national forests.

(Mar. 4, 1915, ch. 144, 38 Stat. 1101; July 28, 1956, ch. 771, 70 Stat. 708.)

AMENDMENTS

1956—Act July 28, 1956, increased maximum area of land for each purpose for which permits may be granted

from not more than 5 acres to not more than 80 acres, and authorized permits for facilities for public safety, for buildings, structures, and facilities for industrial or commercial purposes whenever such purposes are related to or consistent with other use of the national forests, and for facilities to be used by public or non-profit agencies for education or public use or in connection with any public activity.

ENHANCING FOREST SERVICE ADMINISTRATION OF
RIGHTS-OF-WAY AND LAND USES

Pub. L. 106-113, div. B, § 1000(a)(3) [title III, § 331], Nov. 29, 1999, 113 Stat. 1535, 1501A-196, as amended, formerly set out as a note under this section, was transferred to section 497e of this title.

§ 497a. Occupancy and use under permit of lands in Alaska for various purposes; period of permit; size of allotment; prohibitions; termination

The Secretary of Agriculture, in conformity with regulations prescribed by him, may permit the use and occupancy of national-forest lands in Alaska for purposes of residence, recreation, public convenience, education, industry, agriculture, and commerce, not incompatible with the best use and management of the national forests, for such periods as may be warranted but not exceeding thirty years and of such areas as may be necessary but not exceeding eighty acres, and after such permits have been issued and so long as they continue in full force and effect the lands therein described shall not be subject to location, entry, or appropriation, under the public land laws or mining laws, or to disposition under the mineral leasing laws: *Provided*, That nothing contained in this section shall prevent the said Secretary from canceling, revoking, or otherwise terminating a permit so issued upon proof of a breach of its terms and conditions or for other just cause.

(Mar. 30, 1948, ch. 162, 62 Stat. 100.)

CODIFICATION

Section was formerly classified to section 341 of Title 48, Territories and Insular Possessions.

§ 497b. Ski area permits

(a) Law applicable to permits

The provisions of the Act of March 4, 1915 (16 U.S.C. 497) notwithstanding, the term and acreage of permits for the operation of ski areas and associated facilities on National Forest System lands shall on and after October 22, 1986, be governed by this section and other applicable law.

(b) Authority

The Secretary of Agriculture (hereinafter referred to as “the Secretary”) is authorized to issue permits (hereinafter referred to as “ski area permits”) for the use and occupancy of suitable lands within the National Forest System for skiing and other snow sports and recreational uses authorized by this section. A ski area permit—

(1) may be issued for a term not to exceed 40 years;

(2) shall ordinarily be issued for a term of 40 years (unless the Secretary determines that the facilities or operations are of a scale or nature as are not likely to require long-term financing or operation), or that there are public

policy reasons specific to a particular permit for a shorter term;

(3) shall encompass such acreage as the Secretary determines sufficient and appropriate to accommodate the permittee’s needs for ski operations and appropriate ancillary facilities;

(4) may be renewed at the discretion of the Secretary;

(5) may be cancelled by the Secretary in whole or in part for any violation of the permit terms or conditions, for nonpayment of permit fees, or upon the determination by the Secretary in his planning for the uses of the national forests that the permitted area is needed for higher public purposes;

(6) may be modified from time to time by the Secretary to accommodate changes in plans or operations in accordance with the provisions of applicable law;

(7) shall be subject to such reasonable terms and conditions as the Secretary deems appropriate; and

(8) shall be subject to a permit fee based on fair market value in accordance with applicable law.

(c) Other recreational uses

(1) Authority of Secretary

Subject to the terms of a ski area permit issued pursuant to subsection (b), the Secretary may authorize a ski area permittee to provide such other seasonal or year-round natural resource-based recreational activities and associated facilities (in addition to skiing and other snow-sports) on National Forest System land subject to a ski area permit as the Secretary determines to be appropriate.

(2) Requirements

Each activity and facility authorized by the Secretary under paragraph (1) shall—

(A) encourage outdoor recreation and enjoyment of nature;

(B) to the extent practicable—

(i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located; and

(ii) be located within the developed portions of the ski area;

(C) be subject to such terms and conditions as the Secretary determines to be appropriate; and

(D) be authorized in accordance with—

(i) the applicable land and resource management plan; and

(ii) applicable laws (including regulations).

(3) Inclusions

Activities and facilities that may, in appropriate circumstances, be authorized under paragraph (1) include—

(A) zip lines;

(B) mountain bike terrain parks and trails;

(C) frisbee golf courses; and

(D) ropes courses.

(4) Exclusions

Activities and facilities that are prohibited under paragraph (1) include—

(A) tennis courts;