

(e) Non-national forest land operations

Under no circumstances shall revenue, or sub-permittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation.

(f) “Revenue” and “sales” defined; limitations

To reduce administrative costs of ski area permittees and the Forest Service the terms “revenue” and “sales”, as used in this section, shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets offered for commercial or other promotional purposes) for which the permittee does not receive money.

(g) Minimum rental charge

In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for rental charge payment pursuant to subsection (a), the permittee shall pay an annual minimum rental charge of \$2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

(h) Five-year phase-in of increase

Where the new rental charge provided for in subsection (b)(1) results in an increase in permit rental charge greater than one-half of 1 percent of the permittee’s adjusted gross revenue as determined under subsection (b)(1), the new rental charge shall be phased in over a five-year period in a manner providing for increases of approximately equal increments.

(i) Construction with National Environmental Policy Act of 1969

To reduce Federal costs in administering the provisions of this section, the reissuance of a ski area permit to provide activities similar in nature and amount to the activities provided under the previous permit shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

(j) Withdrawal from mining laws

Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after November 12, 1996, pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall

be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

(Pub. L. 104-333, div. I, title VII, §701, Nov. 12, 1996, 110 Stat. 4182; Pub. L. 106-176, title I, §117, Mar. 10, 2000, 114 Stat. 27.)

REFERENCES IN TEXT

Act of March 4, 1915, referred to in subsections (a) and (j), is act Mar. 4, 1915, ch. 144, 38 Stat. 1086. For complete classification of this Act to the Code, see Tables.

Act of June 4, 1897, referred to in subsections (a) and (j), is act June 4, 1897, ch. 2, 30 Stat. 11. For complete classification of this Act to the Code, see Tables.

The National Forest Ski Area Permit Act of 1986, referred to in subsections (a) and (j), is Pub. L. 99-522, Oct. 22, 1986, 100 Stat. 3000, which enacted section 497b of this title and provisions set out as a note under section 497b of this title. For complete classification of this Act to the Code, see Short Title note set out under section 497b of this title and Tables.

The National Environmental Policy Act of 1969, referred to in subsection (i), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2000—Subsec. (b)(3). Pub. L. 106-176, §117(1), substituted “required by this section” for “legislated by this Act”.

Subsec. (d). Pub. L. 106-176, §117(2), in introductory provisions, substituted “formula of this section” for “formula of this Act”, in pars. (1) to (3), substituted “this section” for “this Act”, and, in concluding provisions, inserted “adjusted gross revenue for the” before “1994-1995 base year” and substituted “this section” for “this Act”.

Subsec. (f). Pub. L. 106-176, §117(3), inserted “offered for commercial or other promotional purposes” after “complimentary lift tickets”.

Subsec. (i). Pub. L. 106-176, §117(4), substituted “this section” for “this Act”.

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.

§ 497d. Recreation residence fees

The Secretary of Agriculture shall on and after November 14, 1997, phase in, over a 3-year period in equal annual installments, that portion of the fee increase for a recreation residence special use permit holder which is more than 100 percent of the previous year’s fee: *Provided*, That no recreation residence fee may be increased any sooner than one year from the time the permittee has been notified by the Forest Service of the results of an appraisal which has been conducted for the purpose of establishing such fees: *Provided further*, That no increases in recreation residence fees on the Sawtooth National Forest will be implemented prior to January 1, 1999.

(Pub. L. 105-83, title III, §343, Nov. 14, 1997, 111 Stat. 1604.)

LIMITATION ON INCREASES IN RECREATION RESIDENCE FEES

Pub. L. 106-113, div. B, §1000(a)(3) [title III, §342], Nov. 29, 1999, 113 Stat. 1535, 1501A-202, provided that: “Not-

withstanding section 343 of Public Law 105-83 [16 U.S.C. 497d], increases in recreation residence fees shall be implemented in fiscal year 2000 only to the extent that the fiscal year 2000 fees do not exceed the fiscal year 1999 fee by more than \$2,000.”

LIMITATION ON RECREATION RESIDENCE FEE INCREASES
ON SAWTOOTH NATIONAL FOREST

Pub. L. 105-277, div. A, §101(e) [title III, §345], Oct. 21, 1998, 112 Stat. 2681-231, 2681-298, provided that: “Notwithstanding section 343 of Public Law 105-83 [16 U.S.C. 497d], increases in recreation residence fees on the Sawtooth National Forest shall be implemented in fiscal year 1999 only to the extent that such fee increases do not exceed 25 percent.”

**§ 497e. Enhancing Forest Service administration
of rights-of-way and land uses**

(a) Program required

For fiscal year 2014 and each fiscal year thereafter, the Secretary of Agriculture shall conduct a program for the purpose of enhancing Forest Service administration of rights-of-way and other land uses.

(b) Deposit of fees

Subject to subsections (a) and (f), each fiscal year, the Secretary of Agriculture shall deposit into a special account established in the Treasury all fees collected by the Secretary to recover the costs of processing applications for, and monitoring compliance with, authorizations to use and occupy National Forest System lands pursuant to section 185(l) of title 30, section 1764(g) of title 43, section 9701 of title 31, and section 306109 of title 54.

(c) Use of retained amounts

Amounts deposited pursuant to subsection (b) shall be available, without further appropriation, for expenditure by the Secretary of Agriculture to cover costs incurred by the Forest Service for the processing of applications for special use authorizations and for monitoring activities undertaken in connection with such authorizations. Amounts in the special account shall remain available for such purposes until expended.

(d) Reporting requirement

In the budget justification documents submitted by the Secretary of Agriculture in support of the President’s budget for a fiscal year under section 1105 of title 31, the Secretary shall include a description of the purposes for which amounts were expended from the special account during the preceding fiscal year, including the amounts expended for each purpose, and a description of the purposes for which amounts are proposed to be expended from the special account during the next fiscal year, including the amounts proposed to be expended for each purpose.

(e) Definition of authorization

For purposes of this section, the term “authorizations” means special use authorizations issued under subpart B of part 251 of title 36, Code of Federal Regulations.

(f) Implementation

This section shall take effect upon promulgation of Forest Service regulations for the collec-

tion of fees for processing of special use authorizations and for related monitoring activities.

(Pub. L. 106-113, div. B, §1000(a)(3) [title III, §331], Nov. 29, 1999, 113 Stat. 1535, 1501A-196; Pub. L. 108-447, div. E, title III, §345, Dec. 8, 2004, 118 Stat. 3105; Pub. L. 109-54, title IV, §425, Aug. 2, 2005, 119 Stat. 555; Pub. L. 110-161, div. F, title IV, §416, Dec. 26, 2007, 121 Stat. 2148; Pub. L. 113-76, div. G, title IV, §425, Jan. 17, 2014, 128 Stat. 344.)

CODIFICATION

Section was formerly set out as a note under section 497 of this title.

In subsec. (b), “section 306109 of title 54” substituted for “section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h-2(g))” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-76, §425(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “The Secretary of Agriculture shall develop and implement a pilot program for the purpose of enhancing forest service administration of rights-of-way and other land uses. The authority for this program shall be for fiscal years 2000 through 2012. Prior to the expiration of the authority for this pilot program, the Secretary shall submit a report to the House and Senate Committees on Appropriations, and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that evaluates whether the use of funds under this section resulted in more expeditious approval of rights-of-way and special use authorizations. This report shall include the Secretary’s recommendation for statutory or regulatory changes to reduce the average processing time for rights-of-way and special use permit applications.”

Subsec. (b). Pub. L. 113-76, §425(2), substituted “each fiscal year” for “during fiscal years 2000 through 2012”.

2007—Subsec. (a). Pub. L. 110-161, §416(1), substituted “2012” for “2006”.

Subsec. (b). Pub. L. 110-161, §416(2), substituted “2012” for “2006”.

2005—Subsec. (a). Pub. L. 109-54, §425(1), substituted “2006” for “2005”.

Subsec. (b). Pub. L. 109-54, §425(2), substituted “2006” for “2005”.

2004—Subsec. (a). Pub. L. 108-447, §345(1), substituted “2005” for “2004”.

Subsec. (b). Pub. L. 108-447, §345(2), substituted “2005” for “2004”.

§ 498. Cooperative work agreements: disposal of moneys received; refund of excess; payment from appropriation; conflict of interest

On or after June 30, 1914, all moneys received as contributions toward cooperative work in forest investigations, or the protection, management, and improvement of the National Forest System, shall be covered into the Treasury and shall constitute a special fund, which is appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations, protection, management, or improvements by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, management, or improvements. Payment for work undertaken pursuant to this section may be made