

TITLE 16 - CONSERVATION
CHAPTER 2 - NATIONAL FORESTS
SUBCHAPTER I - ESTABLISHMENT AND ADMINISTRATION

§ 528. Development and administration of renewable surface resources for multiple use and sustained yield of products and services; Congressional declaration of policy and purpose

It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of sections 528 to 531 of this title are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title. Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within national forests.

(Pub. L. 86–517, § 1, June 12, 1960, 74 Stat. 215.)

Short Title

Section 5 of Pub. L. 86–517, as added Pub. L. 94–588, § 19, Oct. 22, 1976, 90 Stat. 2962, provided that: “This Act [enacting this section and sections 529 to 531 of this title] may be cited as the ‘Multiple-Use Sustained-Yield Act of 1960’.”

Pilot Program of Charges and Fees for Harvest of Forest Botanical Products

Pub. L. 106–113, div. B, § 1000(a)(3) [title III, § 339], Nov. 29, 1999, 113 Stat. 1535, 1501A–199, as amended by Pub. L. 108–108, title III, § 335, Nov. 10, 2003, 117 Stat. 1312; Pub. L. 111–88, div. A, title IV, § 420, Oct. 30, 2009, 123 Stat. 2960, provided that:

“(a) Definition of Forest Botanical Product.—For purposes of this section, the term ‘forest botanical product’ means any naturally occurring mushrooms, fungi, flowers, seeds, roots, bark, leaves, and other vegetation (or portion thereof) that grow on National Forest System lands. The term does not include trees, except as provided in regulations issued under this section by the Secretary of Agriculture.

“(b) Recovery of Fair Market Value for Products.—The Secretary of Agriculture shall develop and implement a pilot program to charge and collect fees under subsection (c) for forest botanical products harvested on National Forest System lands. The Secretary shall establish appraisal methods and bidding procedures to determine the fair market value of forest botanical products harvested under the pilot program.

“(c) Fees.—

“(1) Imposition and collection.—Under the pilot program, the Secretary of Agriculture shall charge and collect from a person who harvests forest botanical products on National Forest System lands a fee in an amount established by the Secretary to recover at least a portion of the fair market value of the harvested forest botanical products and a portion of the costs incurred by the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.

“(2) Security.—The Secretary may require a person assessed a fee under this subsection to provide security to ensure that the Secretary receives the fees imposed under this subsection from the person.

“(d) Sustainable Harvest Levels for Forest Botanical Products.—The Secretary of Agriculture shall conduct appropriate analyses to determine whether and how the harvest of forest botanical products on National Forest System lands can be conducted on a sustainable basis. The Secretary may not permit under the pilot program the harvest of forest botanical products at levels in excess of sustainable harvest levels, as defined pursuant to the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.). The Secretary shall establish procedures and timeframes to monitor and revise the harvest levels established for forest botanical products.

“(e) Waiver Authority.—

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

“(1) Personal use.—The Secretary of Agriculture shall establish a personal use harvest level for each forest botanical product, and the harvest of a forest botanical product below that level by a person for personal use shall not be subject to a fee under subsection (c).

“(2) Other exceptions.—The Secretary may also waive the application of subsection (b) or (c) pursuant to such regulations as the Secretary may prescribe.

“(f) Deposit and Use of Funds.—

“(1) Deposit.—Funds collected under the pilot program in accordance with subsection (c) shall be deposited into a special account in the Treasury of the United States.

“(2) Funds available.—Funds deposited into the special account in accordance with paragraph (1) shall be available for expenditure by the Secretary of Agriculture under paragraph (3) without further appropriation, and shall remain available for expenditure until the date specified in subsection (h)(2).

“(3) Authorized uses.—The funds made available under paragraph (2) shall be expended at units of the National Forest System in proportion to the fees collected at that unit under subsection (c) to pay for the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, conducting restoration activities, including any necessary vegetation, and covering costs of the Department of Agriculture described in subsection (c)(1).

“(4) Treatment of fees.—Funds collected under subsection (c) shall not be taken into account for the purposes of the following laws:

“(A) The sixth paragraph under the heading ‘forest service’ in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

“(B) The fourteenth paragraph under the heading ‘forest service’ in the Act of March 4, 1913 (16 U.S.C. 501).

“(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

“(D) The Act of August 8 [28], 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

“(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869–4).

“(F) Chapter 69 of title 31, United States Code.

“(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

“(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a).

“(I) Any other provision of law relating to revenue allocation.

“(g) Reporting Requirements.—As soon as practicable after the end of each fiscal year in which the Secretary of Agriculture collects fees under subsection (c) or expends funds from the special account under subsection (f), the Secretary shall submit to the Congress a report summarizing the activities of the Secretary under the pilot program, including the funds generated under subsection (c), the expenses incurred to carry out the pilot program, and the expenditures made from the special account during that fiscal year.

“(h) Duration of Pilot Program.—

“(1) Collection of fees.—The Secretary of Agriculture may collect fees under the authority of subsection (c) until September 30, 2014.

“(2) Use of special account.—The Secretary may make expenditures from the special account under subsection (f) until September 30 of the fiscal year following the last fiscal year specified in paragraph (1). After that date, amounts remaining in the special account shall be transferred to the general fund of the Treasury.”

[Pub. L. 108–108, § 335(3), which directed amendment of section 1000 (a)(3) [title III, § 339(d)(1)] of Pub. L. 106–113, set out above, was executed to section 1000 (a)(3) [title III, § 339(e)(1)] of Pub. L. 106–113 to reflect the probable intent of Congress.]