

109TH CONGRESS
1ST SESSION

H. R. 4084

To amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2005

Mr. HERGER introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. RETENTION AND USE OF FOREST SERVICE MA-**
2 **RINA PERMIT FEES FROM NATIONAL FOREST**
3 **SYSTEM UNITS DERIVED FROM THE PUBLIC**
4 **DOMAIN.**

5 The last paragraph under the heading “FOREST
6 SERVICE” in the Act of March 4, 1915 (16 U.S.C. 497),
7 is amended—

8 (1) by striking “The Secretary of Agriculture”
9 and inserting the following:

10 “(A) PERMITS FOR USE AND OCCUPANCY OF NA-
11 TIONAL FOREST SYSTEM LANDS.—The Secretary of Agri-
12 culture”;

13 (2) by striking “The authority” and inserting
14 the following:

15 “(B) LIMITATION ON USE OF PERMITS.—The au-
16 thority”; and

17 (3) by adding at the end the following:

18 “(C) SPECIAL RULES REGARDING MARINA PER-
19 MITS.—Amounts collected in connection with the issuance
20 of a special use permit under this paragraph for a marina
21 at a unit of the National Forest System derived from the
22 public domain shall be deposited in an existing special ac-
23 count in the Treasury established for the Secretary of Ag-
24 riculture for recreation management purposes. Amounts
25 so deposited shall be available to the Secretary of Agri-
26 culture, until expended and without further appropriation,

1 for repair, maintenance, and facility enhancement related
2 directly to visitor enjoyment, visitor access, and health and
3 safety, for interpretation, visitor information, visitor serv-
4 ice, visitor needs assessments, and signs, for habitat res-
5 toration directly related to wildlife-dependent recreation
6 that is limited to hunting, fishing, wildlife observation, or
7 photography, for law enforcement related to public use
8 and recreation, and for direct operating or capital costs
9 associated with the issuance of such special use permits,
10 including any fee management agreement or reservation
11 service used in the issuance of such permits. The Sec-
12 retary may not use such amounts for biological monitoring
13 for listed or candidate species under the Endangered Spe-
14 cies Act of 1973 (16 U.S.C. 1531 et seq.). Not less than
15 80 percent of the permit fees collected at a specific unit
16 of the National Forest System shall be expended for that
17 unit, but the Secretary may transfer up to 20 percent of
18 such fees to appropriations available to enhance recreation
19 opportunities at other units of the National Forest Sys-
20 tem.”.

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