

Noncommercial Collection of Insects on National Forest System Lands

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May 15, 1998

To: Regional Foresters

This memorandum addresses the national inconsistency that exists in determining whether a special use authorization is required for the noncommercial collection of insects on National Forest System (NFS) lands. The following direction is intended to improve consistency in responding to and managing proposals for this type of activity.

Further direction is necessary primarily because the provisions at 36 CFR 251.50(c) do not specify by example the noncommercial recreational collection of insects as an activity not requiring a special use authorization. Consequently, Forest Officers have been inconsistent in requiring or not requiring an authorization for this kind of activity.

Inconsistencies have occurred, in particular, with respect to organized collection activities for noncommercial purposes, specifically those that are conducted for research purposes, those conducted by universities, and collections by clubs and societies whose members share common interests in the study and/or collection of insect species. These types of collections have been considered by some Forest Officers to be a special use, while others have exempted them from the need to obtain an authorization.

Generally, the noncommercial collection of insects by Forest visitors, either in small groups or by individuals in pursuit of a personal interest, should be managed as a noncommercial recreational activity

which, pursuant to 36 CFR 251.50(c), does not require a special use authorization. Examples would include non-commercial recreational collections organized by clubs or hobbyist organizations. An authorization should be required for those insect collection activities that are not recreational in nature. Examples could include collections that are organized and conducted by universities, research institutions, and professional societies for nonrecreational purposes.

Some field staff may have concerns about both populations and species viability, and the potential for adverse effects on species-specific pollinators. Where otherwise unregulated collection activities are a resource management concern, Forest Supervisors may exercise their authority to regulate this type of use by issuing a closure order under 36 CFR 261.53, or by imposing conditions on the possession, storage, or transportation of insects under 36 CFR 261.58(s).

All parties engaged in this type of activity, whether commercial or non-commercial, recreational or nonrecreational, are obligated to comply with Forest Service orders and with other Federal, State, and local laws and regulations that may apply to insect collecting activities on NFS lands. These include, but are not limited to, state wildlife and/or agricultural regulations, regulations designed to protect threatened or endangered species pursuant to the Endangered Species Act, and

requirements to maintain viable populations pursuant to the National Forest Management Act. Likewise, if a particular noncommercial, recreational collection effort will involve the gathering of 75 or more people, authorized Forest Officers should require a noncommercial group use permit for the activity.

All units should immediately suspend requiring the issuance of a special use authorization for the noncommercial recreational collection of insects, as described above, where such authorization is not otherwise required by law, regulation or Forest order. Units should review correspondence and other notifications that may have been made on this subject. Representations that may be contrary to this direction should be formally rescinded.

This memorandum will be followed shortly by an Interim Directive to the Forest Service Manual and Special Uses Handbook (FSH 2709.11). If you have any questions or concerns about this direction, please contact Randy Karstaedt, (WO, Lands) Special Uses Group Leader, at (202) 205-1256.

(The above constitutes the full text of USDA Forest Service Memorandum, File Code: 2720, Route to: 2600, dated May 15, 1998. It is suggested that all members take a copy of this memo with them when collecting on Forest Service lands in the future - Ed.)

