

Revisiting the noncommercial collection of fauna by U.S. National Forest visitors in 2011

by
Vernon Antoine Brou Jr., 74320 Jack Loyd Road, Abita Springs, Louisiana 70420 USA email: vabrou@bellsouth.net

In early 2011, I encountered a Wildlife Biologist of Kisatchie National Forest who insisted that a permit was required to collect insects on National Forest Lands. I immediately informed him I had a document from the National Forest Service (See News of The Lepidopterists Society Vol. 40:4) indicating that permits were not required to collect insects on National Forest lands. He inferred that it made no difference what I had and my response appeared to provoke his ire. He was insistent that I would have to obtain a permit.

Prior to this event, I had a cordial relationship with several of the District Rangers for nearly 30 years of collecting insects at this location never previously requiring such a permit.

Subsequent to this latest interaction, I spent a week E-mailing and calling the National Forest Service to get a copy of the current policy regarding this issue. A search of the regulations on accessible on line via the web resulted in frustration.

I spoke with numerous personnel at The NF headquarters and Regional Offices and was assured someone was working on the issue. I requested that it would be advantageous to revisit the matter so as to address all NF lands in a manner for disseminating to all concerned across the US. They agreed.

Here is the 2011 response to the issue of collecting not only insects but any fauna of NF lands. It would be advisable to carry a copy of this 2011 document with you when collecting on NF Lands. Persons wishing to obtain this article via pdf can link to:

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United States Forest Service
Department of Agriculture

Southern Region

1720 Peachtree Road NW
Atlanta, Georgia 30309

File Code: 2720
Date: April 21, 2011



Mr. Vernon Antoine Brou, Jr.
74320 Jack Loyd Road
Abita Springs, LA 70420

Dear Mr. Brou:

Thank you for your April 4, email to Randy Karstaedt concerning the current Forest Service direction related to the noncommercial collection of insects on National Forest System (NFS) lands. Mr. Karstaedt was the Forest Service contact in 1998 but has since moved on to become the Rocky Mountain Director of Physical Resources in Region 2.

The Southern Region (Region 8) has developed supplemental direction regarding the noncommercial collection of insects on NFS lands. This direction can be found in R8 Supplement 2700-2006-1, Forest Service Manual 2700 - Special Use Management, Chapter 2720 - Special Uses Administration; Section 2724 - Feasibility, Research, Training, Cultural Resources, and Historical, Subsection 2724.2 – Research, which is as follows:

2724 – FEASIBILITY, RESEARCH, TRAINING, CULTURAL RESOURCES, AND HISTORICAL
2724.2 – Research

1. Plant collecting for any purpose is not authorized by a special use authorization. See FSH 2409.18, Section 87 – Sale of Special Forest Products, for direction.
2. The noncommercial collection of fauna 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, does not require a special use authorization. Groups of 75 or more people, require a

Noncommercial

Group Use Permit.

3. An authorization is required for organized collecting activities that charge a participation fee as defined in 36 CFR 251.51 Commercial use or activity.
4. Forest Supervisors may regulate uses through a closure order under 36 CFR 261.53, or by imposing conditions on the possession, storage, or transportation of fauna under 36 CFR 261.58(s).
5. All parties engaged in this type of activity, whether commercial or noncommercial, recreational or non-recreational, are obligated to comply with Forest Service Orders and with other Federal, State, and local laws

and regulations that may apply to fauna collecting activities on National Forest System 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.

Outside of the Southern Region, the direction that was distributed in 1998 is still to be followed by Forest Service employees. Generally, the noncommercial collection of insects, by individuals or small groups, does not require a special use authorization. If the collecting is done as a commercial enterprise, or if that collection should require the placement of temporary collection improvements on NFS lands, then a permit would be required. Also, if the species to be collected were considered threatened or endangered, then a permit from the U. S. Fish and Wildlife Service would be required. In some cases, the Forest Service may prohibit collecting in certain areas through a Forest Service closure order. You would need to check for these restrictions before conducting any collection activities.

Sincerely,
ANDREW COLANINNO
Director of Lands, Minerals and Uses