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SUBCHAPTER I—ESTABLISHMENT AND ADMINISTRATION

§ 471. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, acts Mar. 3, 1891, ch. 561, §24, 26 Stat. 1103; Mar. 4, 1907, ch. 2907, 34 Stat. 1271; June 25, 1910, ch. 421, §2, 36 Stat. 847; Aug. 24, 1912, ch. 369, 37 Stat. 497; June 7, 1924, ch. 348, §9 (first and fifth sentences), 43 Stat. 655, provided for establishment of national forests by the President, limited inclusion of lands in certain States, and authorized addition of lands suitable for production of timber.

Act Mar. 4, 1907, cited above, was not repealed by Pub. L. 94-579.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 471a. Forest reserves in New Mexico and Arizona restricted

No forest reservation shall be created, nor shall any additions be made to one created prior to June 15, 1926, within the limits of the States of New Mexico and Arizona except by Act of Congress.

(June 15, 1926, ch. 587, 44 Stat. 745.)

REFERENCES IN TEXT

Forest reservation, referred to in text, probably should be "national forest". See act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 471b. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act July 20, 1939, ch. 334, §1, 53 Stat. 1071, authorized addition of lands within State of Montana to existing or inclusion within new national forests.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 471c. Lands in California set aside as reserved forest lands

The tracts of land in the State of California known and described as follows: Commencing at the northwest corner of township 2 north, range 19 east Mount Diablo meridian, thence eastwardly on the line between townships 2 and 3 north, ranges 24 and 25 east; thence southwardly on the line between ranges 24 and 25 east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township 1 south, ranges 25 and 26 east; thence southwardly on the line between ranges 25 and 26 east to the southeast corner of township 2 south, range 25 east; thence eastwardly on the line between townships 2 and 3 south, range 26 east to the corner to townships 2 and 3 south, ranges 26 and 27 east; thence southwardly on the line between ranges 26 and 27 east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township 4 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 south, range 19 east; thence westwardly on the line between townships 1 and 2 south to the southwest corner of township 1 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 north, range 19 east, the place of beginning, are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing in this section and sections 55, 61, and 471d of this title shall be construed as in anywise affecting any bona fide entry of land made within the limits above described under any law of the United States prior to October 1, 1890.

(Oct. 1, 1890, ch. 1263, §1, 26 Stat. 650.)

CODIFICATION

Section was formerly set out as section 44 of this title. As originally enacted, this section contained two further provisions that "nothing in this act shall be construed as in any wise affecting the grant of lands made to the State of California by virtue of the act entitled 'An act authorizing a grant to the State of California of the Yosemite Valley, and of the land' embracing the Mariposa Big-Tree Grove, approved June thirtieth, eighteen hundred and sixty-four; or as affecting any bona-fide entry of land made within the limits above described under any law of the United States prior to the approval of this act." The first quoted provision was omitted from the Code because the land, granted to the state of California pursuant to the Act cited, was receded to the United States. Resolution June 11, 1906, No. 27, accepted the recession.

§ 471d. Additional forest reserves in California

There is reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands, as provided in section 471c of this title, and subject to all the limitations and provisions therein contained, the following lands, to wit: Township 17 south, range 30 east of the Mount Diablo meridian, excepting sections 31, 32, 33, and 34 of said township, included in section 41 of this title. And there is also reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions, and provisions, all of townships 15 and 16 south, of ranges 29 and 30 east of the Mount Diablo meridian. And there is also reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions, and provisions, sections 5 and 6 in township 14 south, range 28, east of Mount Diablo meridian, and also sections 31 and 32 of township 13 south, range 28 east of the same meridian. Nothing in this section or sections 55, 61, and 471c of this title, shall authorize rules or contracts touching the protection and improvement of said reservations, beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States.

(Oct. 1, 1890, ch. 1263, § 3, 26 Stat. 651.)

CODIFICATION

Section was formerly classified to section 45 of this title.

§ 471e. Extension of boundaries of Sequoia National Forest

Subject to existing valid claims, the boundaries of the Sequoia National Forest, California, be, and they are, extended to include the following described lands, which shall hereafter be subject to the laws, rules, and regulations relating to said national forest:

Southwest quarter, southwest quarter section 7; section 16 and section 17; east half northeast quarter, southwest quarter, northeast quarter, southeast quarter, northwest quarter, east half southeast quarter section 18; east half northwest quarter, northwest quarter northwest quarter, northeast quarter section 20; northwest quarter northwest quarter section 21; and tract numbered 48 in the southeast quarter section 28, all in township 21 south, range 31 east, of the Mount Diablo meridian in California.

(Dec. 9, 1942, ch. 712, 56 Stat. 1044.)

§ 471f. Cradle of Forestry in America in Pisgah National Forest; establishment; statement of purposes; publication in Federal Register

In order to preserve, develop, and make available to this and future generations the birthplace of forestry and forestry education in America and to promote, demonstrate, and stimulate interest in and knowledge of the management of forest lands under principles of multiple use and sustained yield and the develop-

ment and progress of management of forest lands in America, the Secretary of Agriculture is hereby authorized to establish the Cradle of Forestry in America in the Pisgah National Forest, North Carolina. As soon as possible after July 11, 1968, the Secretary of Agriculture shall publish notice of the designation thereof in the Federal Register together with a map showing the boundaries which shall be those shown on the map entitled "Cradle of Forestry in America" dated April 12, 1967, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

(Pub. L. 90-398, § 1, July 11, 1968, 82 Stat. 342.)

§ 471g. Administration, protection, and development; use of natural resources

The area designated as the Cradle of Forestry in America shall be administered, protected, and developed within and as a part of the Pisgah National Forest by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests in such manner as in his judgment will best provide for the purposes of sections 471f to 471h of this title and for such management, utilization, and disposal of the natural resources as in his judgment will promote or is compatible with and does not significantly impair the purposes for which the Cradle of Forestry in America is established.

(Pub. L. 90-398, § 2, July 11, 1968, 82 Stat. 342.)

§ 471h. Cooperation with public and private agencies, organizations, and individuals; acceptance of contributions and gifts

The Secretary of Agriculture is hereby authorized to cooperate with and receive the cooperation of public and private agencies and organizations and individuals in the development, administration, and operation of the Cradle of Forestry in America. The Secretary of Agriculture is authorized to accept contributions and gifts to be used to further the purposes of sections 471f to 471h of this title.

(Pub. L. 90-398, § 3, July 11, 1968, 82 Stat. 342.)

§ 471i. Pinelands National Reserve**(a) Congressional findings**

The Congress finds that—

(1) the Pinelands area in New Jersey, containing approximately 1,000,000 acres of pine-oak forest, extensive surface and ground water resources of high quality, and a wide diversity of rare plant and animal species, provides significant ecological, natural, cultural, recreational, educational, agricultural, and public health benefits;

(2) there is a national interest in protecting and preserving these benefits for the residents of and visitors to the area;

(3) a primary responsibility for protecting and enhancing these benefits resides with the State of New Jersey and the various local units of government having jurisdiction over the area;

(4) in view of the longstanding Federal practice of assisting the States in creating, pro-

tecting, preserving, and enhancing areas of significant regional and urban importance, and in view of the national significance of this resource, the Federal Government has an interest in assisting the State of New Jersey and its local units of government in fulfilling their responsibilities and in avoiding adverse Federally approved or assisted impacts before these responsibilities can be undertaken;

(5) the State of New Jersey and its local units of government have authority to prevent or minimize adverse uses of the land and water resources of the Pinelands area and can, to a great extent, protect the health, safety, and general welfare by the use of such authority; and

(6) there is a demonstrated need to protect, preserve and enhance the land and water resources of the Pinelands area through a new program which combines the capabilities and resources of the local, State and Federal governments and the private sector and provides an alternative to large-scale direct Federal acquisition and management in cases where such acquisition and management is inappropriate.

(b) Purposes

The purposes of this section are—

(1) to protect, preserve and enhance the significant values of the land and water resources of the Pinelands area;

(2) to encourage and assist the State of New Jersey and its units of local government in the development of a comprehensive management plan for the Pinelands area in order to assure orderly public and private development in the area consistent with the findings of this section;

(3) to provide, during the development of this comprehensive plan, Federal financial assistance for the acquisition of lands in the Pinelands area that have critical ecological values which are in immediate danger of being adversely affected or destroyed;

(4) to encourage and assist the State and its units of local government in developing a governmental mechanism to implement this comprehensive plan, and to provide Federal financial assistance for the acquisition of lands consistent with the comprehensive plan;

(5) to encourage adequate coordination of all government programs affecting the land and water resources of the Pinelands area.

(c) Pinelands National Reserve and Federal Project Review Area; establishment; map, availability

There is hereby established the Pinelands National Reserve which shall consist of the approximately 1,000,000-acre area generally depicted on the map entitled "Pinelands National Reserve Boundary Map" numbered NPS/80,011A and dated September 1978. Within the Pinelands National Reserve, there is hereby established the Federal Project Review Area, which shall consist of the approximately 486,000 acre area also depicted on the map. The map shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, and in the offices of the State of New Jersey planning entity established pursuant to subsection (d) of this section, and in locations

throughout the Pinelands National Reserve as determined by the planning entity.

(d) State planning entity for development of comprehensive management plan; membership; representation of interests; assistance and grants to State

Within thirty days after November 10, 1978, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall request the Governor of the State of New Jersey to establish, within ninety days of such request, a planning entity to develop a comprehensive management plan for the Pinelands National Reserve. In order to carry out the purposes of this section, such planning entity shall be composed of fifteen members to be appointed as follows: one member appointed by the Secretary; one member from each of the seven counties in the Pinelands National Reserve to be appointed by the respective governing bodies of each county; and seven members to be appointed by the Governor. The membership of the planning entity shall include residents of the Pinelands National Reserve who represent economic activities such as agriculture in the area, as well as residents of New Jersey who represent conservation interests. The Secretary shall provide technical assistance and grants to the State for the development of the plan or revisions thereof: *Provided*, That such grants shall not exceed 75 percent of the cost of developing the plan, shall be made only upon application of the Governor, on behalf of the planning entity, and shall be subject to such other conditions as the Secretary may deem appropriate to assure State and local interim protection of the area.

(e) Planning entity consultations; public hearings

During the development of the management plan, the planning entity shall:

(1) consult with appropriate officials of any local government or State or Federal agency which has jurisdiction over lands and waters within the area;

(2) consult with the officials of any local government which has jurisdiction over lands and waters within areas delineated in accordance with subsection (f)(2)(B) of this section;

(3) consult with interested professional, scientific and citizen organizations;

(4) consult with a citizens advisory committee which may be established by the Governor; and

(5) conduct public hearings at places within the area, and at such other places as may be appropriate, for the purpose of providing interested persons with an opportunity to express their views with respect to matters covered by the management plan.

(f) Comprehensive management plan; terms and provisions; resource assessment; boundary map, delineations; land use map and policy statement; coordination and consistency, public use, and financial components; programs; water implementation plan

The comprehensive management plan for the Pinelands National Reserve shall include, but need not be limited to—

(1) A resource assessment which:

(A) determines the amount and type of human development and activity which the ecosystem can sustain while still maintaining the overall ecological values described in this section with special reference to (i) ground and surface water supply and quality; (ii) natural hazards, including fire; (iii) endangered, unique and unusual plants and animals and biotic communities; (iv) ecological factors relating to the protection and enhancement of blueberry and cranberry production and other agricultural activity; (v) air quality; and (vi) other appropriate considerations affecting the ecological integrity of the area; and

(B) includes an assessment of scenic, aesthetic, cultural, open space, and outdoor recreation resources of the area together with a determination of overall policies required to maintain and enhance these resources.

(2) A map showing the detailed boundary of the Pinelands National Reserve, such map to delineate:

(A) major areas within the boundary which are of critical ecological importance;

(B) major areas and resources adjacent to the boundary that have significance to the ecological integrity of the Pinelands National Reserve; and

(C) areas of scenic, open space, cultural and recreational significance.

(3) A land use capability map and a comprehensive statement of policies for land use management of the area which:

(A) consider and detail the application of a variety of land and water protection and management techniques, including but not limited to, zoning and regulation derived from State and local police powers, development and use standards and permit systems, acquisition of conservation easements and other interests in land, public access agreements with private landowners, purchase of land for resale or lease-back, fee acquisition of public recreation sites and ecologically sensitive areas and any other method of land and water protection and management which will help meet the goals and carry out the policies of the management plan;

(B) include a policy for the use of State and local police power responsibilities to the greatest extent practicable to regulate the use of land and water resources in a manner consistent with the purposes of this section; and

(C) recognize existing economic activities within the area and provide for the protection and enhancement of such activities as farming, forestry, proprietary recreational facilities, and those indigenous industries and commercial and residential developments which are consistent with the findings and purposes of this section.

(4) A coordination and consistency component which details the ways in which local, State and Federal programs and policies may best be coordinated to promote the goals and policies of the management plan, and which details how land, water and structures man-

aged by governmental or nongovernmental entities in the public interest within the area may be integrated into the management plan.

(5) A public use component including, among other items, a detailed program to educate the public concerning appropriate uses of the area.

(6) A financial component, together with a cash flow timetable, which:

(A) details the cost of implementing the management plan, including, but not limited to, payments in lieu of taxes, general administrative costs, and any anticipated extraordinary or continuing costs; and

(B) details the sources of revenue for covering such costs, including, but not limited to, grants, donations and loans from local, State, and Federal departments and agencies, and from the private sector.

(7) A program to provide for the maximum feasible local government and public participation in the management of the Pinelands National Reserve.

(8) A program for State and local governmental implementation of the comprehensive management plan in a manner that will insure the continued, uniform, consistent protection of this area in accord with the purposes of this section.

(9) In conjunction with existing State programs and planning processes, a plan to implement the provisions of the Clean Water Act [33 U.S.C. 1251 et seq.] and the Safe Drinking Water Act [42 U.S.C. 300f et seq.] which pertain to the surface and ground waters of the Pinelands National Reserve.

(g) Comprehensive management plan and revisions; approval by Secretary; submission to Congress; approval considerations; disapproval and revision recommendations, notification; resubmission and consideration; Federal assistance, termination; modifications and revisions; reimbursement

(1) The State of New Jersey, through the planning entity, shall adopt and submit to the Secretary a comprehensive management plan within eighteen months after the date that funds are first provided for its preparation under subsection (d) of this section. In the event the State fails to submit the plan within such time period, the Secretary may obtain reimbursement or offset from the State of all Federal funds previously granted under this section. The Secretary shall, within ninety days after the date the plan is submitted to him, either approve or disapprove the plan. Should the Secretary fail to act on the proposed plan within ninety days, the plan shall be regarded as approved. Upon approval, the Secretary shall submit the plan to the Congress for a period of ninety days prior to implementation.

(2) In determining whether or not to approve the management plan, the Secretary shall consider whether:

(A) the planning entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation and review of the plan, and whether such review and comment thereon were considered in the plan or revision as presented to him;

(B) he has received adequate assurances from appropriate State officials that the recommended implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the plan and such program will insure effective implementation of the State and local aspects of the plan;

(C) provision is made for the participation of a Federal representative in the implementation program;

(D) the plan requires the exercise of police power responsibilities to the greatest extent practicable to regulate the use of land and water resources in a manner consistent with the purposes of this section;

(E) the plan, if implemented, would adequately protect the significant natural, ecological, agricultural, scenic, cultural and recreational resources of the Pinelands National Reserve and, consistent with such protection, provide adequate and appropriate outdoor recreational opportunities and economic activities within the area;

(F) the plan provides for the Governor of the State of New Jersey to exercise effective and continuing oversight over its implementation; and

(G) after consultation with the Secretary of Defense, the national defense mission of the military installations within, contiguous or adjacent to the Pinelands National Reserve has been adequately provided for.

(3) If the Secretary disapproves the management plan or a revision thereof, he shall, within sixty days after the date of such disapproval, advise the planning entity in writing of the reasons therefor, together with his recommendations for revision. The State of New Jersey, through the planning entity shall, within one hundred and twenty days after receipt by the planning entity of notification of such disapproval, revise and resubmit the plan to the Secretary who shall approve or disapprove a proposed revision within sixty days after the date it is submitted to him. Should the Secretary fail to act on a proposed revision within sixty days, the revision shall be considered as approved.

(4) The Secretary shall consider a plan revision in accordance with the procedure set forth in paragraph (2). Such revisions must be consistent with the purposes of this section.

(5) In the event that the planning entity fails to obtain approval of the plan by the Secretary within thirty-six months after the date funds are first provided under subsection (d) of this section for development of the plan, the Secretary shall terminate all Federal assistance for and participation in the development of such plan, and may obtain reimbursement or offset from the State of New Jersey of all Federal funds previously granted under this section.

(6) The Secretary shall provide technical assistance for and monitor at periodic intervals the implementation of the approved management plan. A local jurisdiction or the State shall obtain the approval of the Secretary prior to any modification of the approved plan. The Secretary shall consider a plan revision in accordance with the procedure set forth in paragraph (2). Such revisions must be consistent

with the purposes of this section. Any jurisdiction that implements changes to the approved management plan, or adopts or acquiesces in changes to laws, regulations, or policies adopted to implement such plan, without approval of the Secretary, may be liable for reimbursement or offset of all Federal funds previously granted to it under this section without regard to such additional terms and conditions or other requirements of law that may be applicable to such grants.

(h) Grants for State acquisition of property; Secretary's acquisition and administration of property; conveyance by Secretary, terms and conditions; State reimbursement; grant authorization and applications; limitation

(1)(A) During the development of the management plan, the Secretary is authorized to make grants to the State of New Jersey for the acquisition of lands and waters or interests therein within the Pinelands National Reserve that he determines, in consultation with the State planning entity, have critical ecological values which are in immediate danger of being adversely affected or destroyed.

(B) The grants authorized by subsection (h)(1)(A) of this section together with the grants made under paragraph (4) of this subsection, shall (i) be made in a manner consistent with the requirements of the Land and Water Conservation Fund Act [16 U.S.C. 460l-4 et seq.]; (ii) not exceed 75 percent of the total cost of all property acquired by the State pursuant to this subsection; (iii) be supplemental to any other Federal financial assistance for any other program; and (iv) be subject to such additional terms and conditions as the Secretary may deem necessary to effectuate the purposes of this section.

(2) In the event the State elects not to make acquisitions as authorized under subsection (h)(1) of this section, the Secretary, during the development of the management plan, is authorized to acquire such lands, waters or interests therein by donation, purchase with donated or appropriated funds, exchange, or otherwise, and to administer such property under the laws generally applicable to units of the National Park System or National Wildlife Refuge System in a manner to carry out the purposes of this section.

(3) After his approval of the management plan, the Secretary (A) is authorized to convey property acquired pursuant to subsection (h)(2) of this section to State or local authorities in accordance with the management plan, under such terms and conditions as he may deem appropriate, which shall include (i) a requirement that where the Secretary transfers land acquired with appropriated funds, the State or local government shall repay not less than 25 percent of the cost of such lands to the Secretary under such terms and conditions as he may deem appropriate, and (ii) a retention of a right of reversion of title to the United States, and (B) shall accept from the State those lands acquired pursuant to subsection (h)(1) of this section, which are identified in the management plan as being appropriate for Federal ownership and management: *Provided*, That the Secretary

shall reimburse to the State such sums as are necessary to (i) cover 100 percent of the original cost of acquisition as to each parcel of land so transferred and (ii) assure that as to the remainder of lands acquired pursuant to subsection (h)(1) of this section not transferred under this subsection, the total Federal land acquisition cost does not exceed 75 percent of the purchase price of such lands.

(4) Upon approval of the management plan, the Secretary is authorized to make grants for the acquisition within the Pinelands National Reserve of lands and waters or interests therein in a manner consistent with the management plan. All applications for such grants shall be made within ten years from the date of implementation of the management plan.

(i) Applications for Federal construction assistance; review by planning entity; notification; commencement of review process

During the development of the management plan for the Pinelands National Reserve, all applications for Federal assistance under programs covered by Part I of OMB Circular A-95 and direct Federal actions covered by Part II of OMB Circular A-95 within the Federal Project Review Area generally depicted on the map referred to in subsection (c) of this section which involve the construction of housing, industrial parks, highways, or sewage or water treatment facilities shall be reviewed by the planning entity, upon receipt from the New Jersey State A-95 Clearinghouse (hereinafter referred to as the Clearinghouse). If the planning entity finds that such application or proposed action would have no adverse impact on the resources and ecological values of the Federal Project Review Area, the planning entity shall so notify the Clearinghouse. If the planning entity does not so find, Congress authorizes the planning entity to notify the Clearinghouse and other affected parties that such application or proposed action shall not proceed pending further review, and the planning entity shall forward such application or notice of proposed action to the Secretary. Any such application or proposed action which the Secretary determines would be significantly adverse to the purposes of this section shall not proceed while the management plan is being developed. The review process established under this subsection shall begin upon the appropriation of funds under subsection (k) of this section.

(j) Federal action pursuant to Federal court or agency orders related to public health or safety, national security or defense, or environmental values unaffected

Nothing in this section shall be construed to limit or prohibit any Federal action ordered by a court of competent jurisdiction or directed by a Federal agency as essential for the protection of public health or safety, for national security or defense, or for the maintenance of environmental values within the Pinelands National Reserve or the Federal Project Review Area.

(k) Authorization of appropriations; sources for appropriations; acquisitions consistent with management plan

(1) There is authorized to be appropriated not to exceed \$26 million to carry out the provisions

of this section. Not to exceed \$3 million shall be available for planning; *Provided*, That any funds not used for planning shall be available for land acquisition; *Provided further*, That \$23,000,000 shall be made available for land acquisition, as authorized by this section. Such appropriations may be made from the general fund of the Treasury or from revenues due and payable to the United States under the Outer Continental Shelf Lands Act, as amended [43 U.S.C. 1331 et seq.], which would otherwise be credited to miscellaneous receipts.

(2) In addition to other funds authorized pursuant to this subsection, there are hereby authorized to be appropriated not to exceed \$14,500,000 for land acquisition, the Federal share of which may not exceed 50 percent of the total cost. Land acquisition pursuant to this subsection shall be carried out in accordance with the requirements of subsection (h) of this section insofar as such requirements are not inconsistent with this paragraph. Such acquisitions shall also be carried out in a manner consistent with the management plan and shall include—

(A) lands located within the preservation area of the National Reserve which is designated in the management plan;

(B) lands that are within the areas protected by the management plan and that are threatened by adverse development or have critical ecological values; or

(C) lands that have limited practical use because of their location in the Reserve and that are held by landowners who both own less than 50 acres in the Reserve and have exhausted existing remedies to secure relief.

Additional funds contributed by the State to the Pinelands Development Bank after enactment of this Act, not to exceed \$5,000,000, may be counted as part of the State share of land acquisition funds.

(l) Pinelands interpretative and educational program; Interior Department study and recommendations

(1) Study and recommendations for interpretative and educational program

For the purpose of enhancing public understanding, awareness, and appreciation with respect to the natural and cultural resources of the Pine Barrens area of New Jersey, the Secretary shall, within 9 months after October 13, 1988, study and recommend appropriate initiatives to provide an educational and interpretative program for the Reserve. The Secretary shall conduct such study in consultation with the planning entity and the appropriate departments and agencies of the State of New Jersey.

(2) Items included

The study and recommendations required by this subsection shall include, but not be limited to each of the following:

(A) Interpretative and informational materials, exhibits, films, lectures, and other devices and educational methods.

(B) A plan to provide for educational and interpretative programs for the Reserve, considering among other things the improvement of existing facilities and interpre-

tative programs in the Reserve, including the possible use of existing facilities such as Whitesbog, Batsto, Double Trouble State Park and Stockton State College.

(C) The use and enhancement of existing fire towers in the Reserve to serve as observation platforms.

(D) The appropriate role for departments and agencies of the State of New Jersey and the Federal Government in implementing the program.

(3) Study of Development Credit Bank and Development Credit System

The Secretary is authorized and directed to study the State of New Jersey Pinelands Development Credit Bank and Pinelands Development Credit System, and to submit to the Congress within 9 months after October 13, 1988, such recommendations as the Secretary determines appropriate for improvements of the operation of the State Pinelands Development Credit Bank and the overall Pinelands Development Credit Program.

(4) Study of Municipal Council

The Secretary shall study the Pinelands Municipal Council, and submit to the Congress within 9 months after October 13, 1988, such recommendations as the Secretary determines appropriate for improvements of the operation of the council.

(5) Contracts and agreements

The Secretary may enter into such contracts and agreements with the State of New Jersey and other public and private entities as may be necessary and appropriate to carry out the authorities and responsibilities of the Secretary under this subsection. For purposes of this subsection, there is authorized to be appropriated not more than \$500,000 to prepare and complete the study pursuant to paragraph (1) and \$3,000,000 to implement the recommendations of such study upon its approval by the Congress, the Federal share of which may not exceed 75 percent of the total cost.

(Pub. L. 95-625, title V, §502, Nov. 10, 1978, 92 Stat. 3492; Pub. L. 100-486, Oct. 13, 1988, 102 Stat. 2429.)

REFERENCES IN TEXT

The Clean Water Act, referred to in subsec. (f)(9), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, also known as the Federal Water Pollution Control Act, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Safe Drinking Water Act, referred to in subsec. (f)(9), is title XIV of act July 1, 1944, as added Dec. 16, 1974, Pub. L. 93-523, §2(a), 88 Stat. 1660, as amended, which is classified generally to subchapter XII (§300f et seq.) of chapter 6A 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 201 of Title 42 and Tables.

The Land and Water Conservation Fund Act, referred to in subsec. (h)(1)(B), probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§460f-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classifica-

tion of this Act to the Code, see Short Title note set out under section 460f-4 of this title and Tables.

The Outer Continental Shelf Lands Act, as amended, referred to in subsec. (k)(1), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, as amended, which is classified generally to subchapter III (§1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables.

Enactment of this Act, referred to in subsec. (k)(2), probably means date of enactment of Pub. L. 100-486, which enacted subsec. (k)(2) of this section and which was approved Oct. 13, 1988.

AMENDMENTS

1988—Subsec. (k). Pub. L. 100-486, §2, designated existing provisions as par. (1) and added par. (2).

Subsec. (l). Pub. L. 100-486, §1, added subsec. (l).

§ 471j. Headwaters Forest and Elk River Property acquisition

(a) Authorization

Subject to the terms and conditions of this section, up to \$250,000,000 from the Land and Water Conservation Fund is authorized to be appropriated to acquire lands referenced in the Agreement of September 28, 1996, which consist of approximately 4,500 acres commonly referred to as the "Headwaters Forest", approximately 1,125 acres referred to as the "Elk Head Forest", and approximately 9,600 acres referred to as the "Elk River Property", which are located in Humboldt County, California. This section is the sole authorization for the acquisition of such property, which is the subject of the Agreement dated September 28, 1996 between the United States of America (hereinafter "United States"), the State of California, MAXXAM, Inc., and the Pacific Lumber Company. Of the entire Elk River Property, the United States and the State of California are to retain approximately 1,845 acres and transfer the remaining approximately 7,755 acres of Elk River Property to the Pacific Lumber Company. The property to be acquired and retained by the United States and the State of California is that property that is the subject of the Agreement of September 28, 1996 as generally depicted on maps labeled as sheets 1 through 7 of Township 3 and 4 North, Ranges 1 East and 1 West, of the Humboldt Meridian, California, titled "Dependent Resurvey and Tract Survey", as approved by Lance J. Bishop, Chief Cadastral Surveyor—California, on August 29, 1997. Such maps shall be on file in the Office of the Chief Cadastral Surveyor, Bureau of Land Management, Sacramento, California. The Secretary of the Interior is authorized to make such typographical and other corrections to this description as are mutually agreed upon by the parties to the Agreement of September 28, 1996. The land retained by the United States and the State of California (approximately 7,470 acres) shall hereafter be the "Headwaters Forest". Any funds appropriated by the Federal Government to acquire lands or interests in lands that enlarge the Headwaters Forest by more than five acres per each acquisition shall be subject to specific authorization enacted subsequent to this Act, except that such funds may be used pursuant to existing authorities to acquire such lands up to five acres per each acquisition or interests in

lands that may be necessary for roadways to provide access to the Headwaters Forest.

(b) Effective period of authorization

The authorization in subsection (a) of this section expires March 1, 1999 and shall become effective only—

(1) when the State of California provides a \$130,000,000 contribution for the transaction;

(2) when the State of California approves a Sustained Yield Plan covering Pacific Lumber Company timber property;

(3) when the Pacific Lumber Company dismisses the following legal actions as evidenced by instruments in form and substance satisfactory to each of the parties to such legal actions: Pacific Lumber Co. v. United States, No. 96-257L (Fed. Cls.) and Salmon Creek Corp. v. California Board of Forestry, No. 96-CS-1057 (Cal. Super. Ct.);

(4) when the incidental take permit under section 10(a) of the Endangered Species Act [16 U.S.C. 1539(a)] (based upon a multispecies Habitat Conservation Plan covering Pacific Lumber Company timber property, including applicable portions of the Elk River Property) is issued by the United States Fish and Wildlife Service and the National Marine Fisheries Service;

(5) after an appraisal of all lands and interests therein to be acquired by the United States has been undertaken, such appraisal has been reviewed for a period not to exceed 30 days by the Comptroller General of the United States, and such appraisal has been provided to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and Senate;

(6) after the Secretary of the Interior issues an opinion of value to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and Senate for the land and property to be acquired by the Federal Government. Such opinion of value shall also include the total value of all compensation (including tax benefits) proposed to be provided for the acquisition;

(7) after an Environmental Impact Statement for the proposed Habitat Conservation Plan has been prepared and completed in accordance with the applicable provisions of the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.]; and

(8) when adequate provision has been made for public access to the property.

(c) Acquisition

Notwithstanding any other provision of law, the amount paid by the United States to acquire identified lands and interests in lands referred to in subsection (a) of this section may differ from the value contained in the appraisal required by subsection (b)(5) of this section if the Secretary of the Interior certifies, in writing, to Congress that such action is in the best interest of the United States.

(d) Habitat conservation plan

(1) Applicable standards

Within 60 days after November 14, 1997, the Secretary of the Interior and the Secretary of Commerce shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives on the scientific and legal standards and criteria for threatened, endangered, and candidate species under the Endangered Species Act [16 U.S.C. 1531 et seq.] and any other species used to develop the habitat conservation plan (hereinafter "HCP") and the section 10(a) [16 U.S.C. 1539(a)] incidental take permit for the Pacific Lumber Company land.

(2) Report

If the Pacific Lumber Company submits an application for an incidental take permit under section 10(a) of the Endangered Species Act [16 U.S.C. 1539(a)] for the transaction authorized by subsection (a) of this section, and the permit is not issued, then the United States Fish and Wildlife Service and the National Marine Fisheries Service shall set forth the substantive rationale or rationales for why the measures proposed by the applicant for such permit did not meet the issuance criteria for the species at issue. Such report shall be submitted to the Congress within 60 days of the decision not to issue such permit or by May 1, 1999, whichever is earlier.

(3) HCP standards

If a section 10(a) permit for the Pacific Lumber Company HCP is issued, it shall be deemed to be unique to the circumstances associated with the acquisition authorized by this section and shall not establish a higher or lesser standard for any other multispecies HCPs than would otherwise be established under existing law.

(e) Payment to Humboldt County

Within 30 days of the acquisition of the Headwaters Forest, the Secretary of the Interior shall provide a \$10,000,000 direct payment to Humboldt County, California.

(f) Payment in lieu of taxes

The Federal portion of the Headwaters Forest acquired pursuant to this section shall be entitlement land under section 6905 of title 31.

(g) Out-year budget limitations

The following funding limitations and parameters shall apply to the Headwaters Forest acquired under subsection (a) of this section—

(1) At least 50 percent of the total funds for management of such lands above the annual level of \$100,000 shall (with the exception of law enforcement activities and emergency activities) be from non-Federal sources.

(2) Subject to appropriations, the authorized annual Federal funding for management of such land is \$300,000 (with the exception of law enforcement activities and emergency activities).

(3) The Secretary of the Interior or the Headwaters Forest Management Trust referenced in subsection (h) of this section is authorized to accept and use donations of funds

and personal property from the State of California, private individuals, and other non-governmental entities for the purpose of management of the Headwaters Forest.

(h) Headwaters Forest Management Trust

The Secretary of the Interior is authorized, with the written concurrence of the Governor of the State of California, to establish a Headwaters Forest Management Trust (“Trust”) for the management of the Headwaters Forest as follows:

(1) Management authority

The Secretary of the Interior is authorized to vest management authority and responsibility in the Trust composed of a board of five trustees each appointed for terms of three years. Two trustees shall be appointed by the Governor of the State of California. Three trustees shall be appointed by the President of the United States. The first group of trustees shall be appointed within 60 days of exercising the authority under this subsection and the terms of the trustees shall begin on such day. The Secretary of the Interior, the Secretary of Resources of the State of California, and the Chairman of the Humboldt County Board of Supervisors shall be nonvoting, *ex officio* members of the board of trustees. The Secretary is authorized to make grants to the Trust for the management of the Headwaters Forest from amounts authorized and appropriated.

(2) Operations

The Trust shall have the power to develop and implement the management plan for the Headwaters Forest.

(i) Management plan

(1) In general

A concise management plan for the Headwaters Forest shall be developed and periodically amended as necessary by the Secretary of the Interior in consultation with the State of California (and in the case that the authority provided in subsection (h) of this section is exercised, the trustees shall develop and periodically amend the management plan), and shall meet the following requirements:

(A) Management goals for the plan shall be to conserve and study the land, fish, wildlife, and forests occurring on such land while providing public recreation opportunities and other management needs.

(B) Before a management structure and management plan are adopted for such land, the Secretary of the Interior or the board of trustees, as the case may be, shall submit a proposal for the structure and plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The proposed management plan shall not become effective until the passage of 90 days after its submission to the Committees.

(C) The Secretary of the Interior or the board of trustees, as the case may be, shall report annually to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of

Representatives, and the House and Senate Committees on Appropriations concerning the management of lands acquired under the authority of this section and activities undertaken on such lands.

(2) Plan

The management plan shall guide general management of the Headwaters Forest. Such plan shall address the following management issues—

(A) scientific research on forests, fish, wildlife, and other such activities that will be fostered and permitted on the Headwaters Forest;

(B) providing recreation opportunities on the Headwaters Forest;

(C) access to the Headwaters Forest;

(D) construction of minimal necessary facilities within the Headwaters Forest so as to maintain the ecological integrity of the Headwaters Forest;

(E) other management needs; and

(F) an annual budget for the management of the Headwaters Forest, which shall include a projected revenue schedule (such as fees for research and recreation) and projected expenses.

(3) Compliance

The National Environmental Policy Act [42 U.S.C. 4321 et seq.] shall apply to the development and implementation of the management plan.

(j) Cooperative management

(1) The Secretary of the Interior may enter into agreements with the State of California for the cooperative management of any of the following: Headwaters Forest, Redwood National Park, and proximate State lands. The purpose of such agreements is to acquire from and provide to the State of California goods and services to be used by the Secretary and the State of California in cooperative management of lands if the Secretary determines that appropriations for that purpose are available and an agreement is in the best interests of the United States; and

(2) an assignment arranged by the Secretary under section 3372 of title 5 of a Federal or State employee for work in any Federal or State of California lands, or an extension of such assignment, may be for any period of time determined by the Secretary or the State of California, as appropriate, to be mutually beneficial.

(Pub. L. 105-83, title V, §501, Nov. 14, 1997, 111 Stat. 1610.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 105-83, Nov. 14, 1997, 111 Stat. 1543, known as the Department of the Interior and Related Agencies Appropriations Act, 1998. For complete classification of this Act to the Code, see Tables.

The National Environmental Policy Act of 1969, referred to in subsecs. (b)(7) and (i)(3), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, 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.

The Endangered Species Act, referred to in subsec. (d)(1), probably means the Endangered Species Act of

1973, Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

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.

TIMING OF ACQUISITIONS

Pub. L. 105-83, title V, §504, Nov. 14, 1997, 111 Stat. 1617, provided that: "The acquisitions authorized by sections 501 [16 U.S.C. 471j] and 502 [111 Stat. 1614] of this title may not occur prior to the earlier of: (1) 180 days after enactment of this Act [Nov. 14, 1997]; or (2) enactment of separate authorizing legislation that modifies section 501, 502, or 503 [111 Stat. 1616] of this title. Within 120 days of enactment, the Secretary of the Interior and the Secretary of Agriculture, respectively, shall submit to the Committee on Resources [now Committee on Natural Resources] of the House of Representatives, the Senate Committee on Energy and Natural Resources and the House and Senate Committees on Appropriations, reports detailing the status of efforts to meet the conditions set forth in this title imposed on the acquisition of the interests to protect and preserve the Headwaters Forest and the acquisition of interests to protect and preserve Yellowstone National Park. For every day beyond 120 days after the enactment of this Act that the appraisals required in subsections [sic] 501(b)(5) and 502(b)(2) are not provided to the Committee on Resources [now Committee on Natural Resources] of the House, the Committee on Energy and Natural Resources of the Senate and the House and Senate Committees on Appropriations in accordance with such subsections, the 180-day period referenced in this section shall be extended by one day."

§ 472. Laws affecting national forest lands

The Secretary of the Department of Agriculture shall execute or cause to be executed all laws affecting public lands reserved under the provisions of section 471¹ of this title, or sections supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

(Feb. 1, 1905, ch. 288, §1, 33 Stat. 628.)

REFERENCES IN TEXT

Section 471 of this title, referred to in text, was in the original a reference to section 24 of act Mar. 3, 1891, ch. 561, 26 Stat. 1103, and was repealed by Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

Words "subject to the provisions for national forests established under subdivision (b) of section 471 of this title," which had been inserted by the original codifiers of the 1926 ed. of the Code, have been omitted because of the repeal of section 471 of this title by Pub. L. 94-579.

§ 472a. Timber sales on National Forest System lands

(a) Authorization; rules and regulations; appraised value as minimum sale price

For the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of

1960 (74 Stat. 215; 16 U.S.C. 528-531) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) [16 U.S.C. 1600 et seq.], the Secretary of Agriculture, under such rules and regulations as he may prescribe, may sell, at not less than appraised value, trees, portions of trees, or forest products located on National Forest System lands.

(b) Designation on map; prospectus

All advertised timber sales shall be designated on maps, and a prospectus shall be available to the public and interested potential bidders.

(c) Terms and conditions of contract

The length and other terms of the contract shall be designed to promote orderly harvesting consistent with the principles set out in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended [16 U.S.C. 1604]. Unless there is a finding by the Secretary of Agriculture that better utilization of the various forest resources (consistent with the provisions of the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528-531]) will result, sales contracts shall be for a period not to exceed ten years: *Provided*, That such period may be adjusted at the discretion of the Secretary to provide additional time due to time delays caused by an act of an agent of the United States or by other circumstances beyond the control of the purchaser. The Secretary shall require the purchaser to file as soon as practicable after execution of a contract for any advertised sale with a term of two years or more, a plan of operation, which shall be subject to concurrence by the Secretary. The Secretary shall not extend any contract period with an original term of two years or more unless he finds (A) that the purchaser has diligently performed in accordance with an approved plan of operation or (B) that the substantial overriding public interest justifies the extension.

(d) Advertisement of sales; exceptions

The Secretary of Agriculture shall advertise all sales unless he determines that extraordinary conditions exist, as defined by regulation, or that the appraised value of the sale is less than \$10,000. If, upon proper offering, no satisfactory bid is received for a sale, or the bidder fails to complete the purchase, the sale may be offered and sold without further advertisement.

(e) Bidding methods; purposes; oral auction procedures; monitoring and enforcement for prevention of collusive practices

(1) In the sale of trees, portions of trees, or forest products from National Forest System lands (hereinafter referred to in this subsection as "national forest materials"), the Secretary of Agriculture shall select the bidding method or methods which—

(A) insure open and fair competition;

(B) insure that the Federal Government receive not less than the appraised value as required by subsection (a) of this section;

(C) consider the economic stability of communities whose economies are dependent on such national forest materials, or achieve such other objectives as the Secretary deems necessary; and

¹ See References in Text note below.

(D) are consistent with the objectives of this Act and other Federal statutes.

The Secretary shall select or alter the bidding method or methods as he determines necessary to achieve the objectives stated in clauses (A), (B), (C), and (D) of this paragraph.

(2) In those instances when the Secretary selects oral auction as the bidding method for the sale of any national forest materials, he shall require that all prospective purchasers submit written sealed qualifying bids. Only prospective purchasers whose written sealed qualifying bids are equal to or in excess of the appraised value of such national forest materials may participate in the oral bidding process.

(3) The Secretary shall monitor bidding patterns involved in the sale of national forest materials. If the Secretary has a reasonable belief that collusive bidding practices may be occurring, then—

(A) he shall report any such instances of possible collusive bidding or suspected collusive bidding practices to the Attorney General of the United States with any and all supporting data;

(B) he may alter the bidding methods used within the affected area; and

(C) he shall take such other action as he deems necessary to eliminate such practices within the affected area.

(f) Research and demonstration projects

The Secretary of Agriculture, under such rules and regulations as he may prescribe, is authorized to dispose of, by sale or otherwise, trees, portions of trees, or other forest products related to research and demonstration projects.

(g) Designation, marking, and supervision of harvesting; personnel

Designation, marking when necessary, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture. Such persons shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the employment of the purchaser thereof.

(h) Utilization standards, methods of measurement, and harvesting practices; monetary deposits by purchasers of salvage harvests; nature, purposes and availability of designated fund; return of surplus to Treasury

The Secretary of Agriculture shall develop utilization standards, methods of measurement, and harvesting practices for the removal of trees, portions of trees, or forest products to provide for the optimum practical use of the wood material. Such standards, methods, and practices shall reflect consideration of opportunities to promote more effective wood utilization, regional conditions, and species characteristics and shall be compatible with multiple use resource management objectives in the affected area. To accomplish the purpose of this subsection in situations involving salvage of insect-infested, dead, damaged, or down timber, and to remove associated trees for stand improvement, the Secretary is authorized to require the purchasers of such timber to make monetary deposits, as a part of the payment for the timber, to

be deposited in a designated fund from which sums are to be used, to cover the cost to the United States for design, engineering, and supervision of the construction of needed roads and the cost for Forest Service sale preparation and supervision of the harvesting of such timber. Deposits of money pursuant to this subsection are to be available until expended to cover the cost to the United States of accomplishing the purposes for which deposited: *Provided*, That such deposits shall not be considered as moneys received from the national forests within the meaning of sections 500 and 501 of this title: *And provided further*, That sums found to be in excess of the cost of accomplishing the purposes for which deposited on any national forest shall be transferred to miscellaneous receipts in the Treasury of the United States.

(i) Purchaser credit for permanent road construction; right of election of small business concerns; estimated cost; date of completion; use of funds for construction; effective date

(1) For sales of timber which include a provision for purchaser credit for construction of permanent roads with an estimated cost in excess of \$20,000, the Secretary of Agriculture shall promulgate regulations requiring that the notice of sale afford timber purchasers qualifying as "small business concerns" under the Small Business Act, as amended [15 U.S.C. 631 et seq.], and the regulations issued thereunder, an estimate of the cost and the right, when submitting a bid, to elect that the Secretary build the proposed road.

(2) If the purchaser makes such an election, the price subsequently paid for the timber shall include all of the estimated cost of the road. In the notice of sale, the Secretary of Agriculture shall set a date when such road shall be completed which shall be applicable to either construction by the purchaser or the Secretary, depending on the election. To accomplish requested work, the Secretary is authorized to use from any receipts from the sale of timber a sum equal to the estimate for timber purchaser credits, and such additional sums as may be appropriated for the construction of roads, such funds to be available until expended, to construct a road that meets the standards specified in the notice of sale.

(3) The provisions of this subsection shall become effective on October 1, 1976.

(Pub. L. 94-588, §14, Oct. 22, 1976, 90 Stat. 2958; Pub. L. 95-233, Feb. 20, 1978, 92 Stat. 32; Pub. L. 101-626, title I, §105(a), Nov. 28, 1990, 104 Stat. 4427.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in subsecs. (a) and (c), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, as amended, which is classified generally to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in subsec. (a), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (§1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

This Act, referred to in subsec. (e)(1)(D), is Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949, as amended, known as the National Forest Management Act of 1976. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

The Small Business Act, referred to in subsec. (i)(1), is Pub. L. 85-536, §2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

AMENDMENTS

1990—Subsec. (i)(1). Pub. L. 101-626 struck out proviso that this subsec. not apply to sales of timber on National Forest System lands in the State of Alaska.

1978—Subsec. (e). Pub. L. 95-233 substituted provisions authorizing the Secretary of Agriculture to select bidding method or methods to achieve the purposes of par. (1) of this subsec., procedures for use of oral auction as the bidding method, and procedures for monitoring and enforcement to prevent collusive practices, for provisions authorizing the Secretary to take such action as deemed necessary to prevent collusive practices, and setting forth requirements for enforcement.

APPLICATION OF AMENDMENTS BY PUB. L. 101-626 TO CERTAIN LONG-TERM TIMBER SALE CONTRACTS

Amendment by Pub. L. 101-626 not applicable to certain long-term timber sale contracts, see section 105(c) of Pub. L. 101-626, set out as a note under section 539d of this title.

QUALIFYING TIMBER CONTRACT OPTIONS

Pub. L. 110-234, title VIII, §8401, May 22, 2008, 122 Stat. 1300, and Pub. L. 110-246, §4(a), title VIII, §8401, June 18, 2008, 122 Stat. 1664, 2061, provided that:

“(a) DEFINITIONS.—In this section:

“(1) AUTHORIZED PRODUCER PRICE INDEX.—The term ‘authorized Producer Price Index’ includes—

“(A) the softwood commodity index (code number WPU 0811);

“(B) the hardwood commodity index (code number WPU 0812);

“(C) the wood chip index (code number PCU 3211133211135); and

“(D) any other subsequent comparable index, as established by the Bureau of Labor Statistics of the Department of Labor and utilized by the Secretary of Agriculture.

“(2) QUALIFYING CONTRACT.—The term ‘qualifying contract’ means a contract for the sale of timber on National Forest System land—

“(A) that was awarded during the period beginning on July 1, 2004, and ending on December 31, 2006;

“(B) for which there is unharvested volume remaining;

“(C) for which, not later than 90 days after the date of enactment of this Act [June 18, 2008], the timber purchaser makes a written request to the Secretary for one or more of the options described in subsection (b);

“(D) that is not a salvage sale;

“(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions that developed after the award of the contract; and

“(F) that is not in breach or in default.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

“(b) OPTIONS FOR QUALIFYING CONTRACTS.—

“(1) CANCELLATION OR RATE REDETERMINATION.—Notwithstanding any other provision of law, if the rate at which a qualifying contract would be advertised as of the date of enactment of this Act [June 18, 2008] is at least 50 percent less than the sum of the original

bid rates for all of the species of timber that are the subject of the qualifying contract, the Secretary may, at the sole discretion of the Secretary—

“(A) cancel the qualifying contract if the timber purchaser—

“(i) pays 30 percent of the total value of the timber remaining in the qualifying contract based on bid rates;

“(ii) completes each contractual obligation (including the removal of downed timber, the completion of road work, and the completion of erosion control work) of the timber purchaser with respect to each unit on which harvest has begun to a logical stopping point, as determined by the Secretary after consultation with the timber purchaser; and

“(iii) terminates its rights under the qualifying contract; or

“(B) modify the qualifying contract to redetermine the current contract rate of the qualifying contract to equal the sum obtained by adding—

“(i) 25 percent of the bid premium on the qualifying contract; and

“(ii) the rate at which the qualifying contract would be advertised as of the date of enactment of this Act [June 18, 2008].

“(2) SUBSTITUTION OF INDEX.—

“(A) SUBSTITUTION.—Notwithstanding any other provision of law, the Secretary may, at the sole discretion of the Secretary, substitute the Producer Price Index specified in the qualifying contract of a timber purchaser if the timber purchaser identifies—

“(i) the products the timber purchaser intends to produce from the timber harvested under the qualifying contract; and

“(ii) a substitute index from an authorized Producer Price Index that more accurately represents the predominant product identified in clause (i) for which there is an index.

“(B) RATE REDETERMINATION FOLLOWING SUBSTITUTION OF INDEX.—If the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract to provide for—

“(i) an emergency rate redetermination under the terms of the contract; or

“(ii) a rate redetermination under paragraph (1)(B).

“(C) LIMITATION ON MARKET-RELATED CONTRACT TERM ADDITION; PERIODIC PAYMENTS.—Notwithstanding any other provision of law, if the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract—

“(i) to adjust the term in accordance with the market-related contract term addition provision in the qualifying contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the adjustment, but only if the drastic reduction criteria in such section are met for 2 or more consecutive calendar year quarters beginning with the calendar quarter in which the Secretary substitutes the Producer Price Index under subparagraph (A); and

“(ii) to adjust the periodic payments required under the contract in accordance with applicable law and policies.

“(3) CONTRACTS USING HARDWOOD LUMBER INDEX.—With respect to a qualifying contract using the hardwood commodity index referred to in subsection (a)(1)(B) for which the Secretary does not substitute the Producer Price Index under paragraph (2), the Secretary may, at the sole discretion of the Secretary—

“(A) extend the contract term for a 1-year period beginning on the current contract termination date; and

“(B) adjust the periodic payments required under the contract in accordance with applicable law and policies.

“(C) EXTENSION OF MARKET-RELATED CONTRACT TERM ADDITION TIME LIMIT FOR CERTAIN CONTRACTS.—Notwithstanding any other provision of law, upon the written request of a timber purchaser, the Secretary may, at the sole discretion of the Secretary, modify a timber sale contract (including a qualifying contract) awarded to the purchaser before January 1, 2007, to adjust the term of the contract in accordance with the market-related contract term addition provision in the contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the modification, except that the Secretary may add no more than 4 years to the original contract length.

“(d) EFFECT OF OPTIONS.—

“(1) NO SURRENDER OF CLAIMS.—Operation of this section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose—

“(A) under a qualifying contract before the date on which the Secretary cancels the contract or re-determines the rate under subsection (b)(1), substitutes a Producer Price Index under subsection (b)(2), or modifies the contract under subsection (b)(3); or

“(B) under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (c).

“(2) RELEASE OF LIABILITY.—In the written request for any option provided under subsections (b) and (c), a timber purchaser shall release the United States from all liability, including further consideration or compensation, resulting from—

“(A) the cancellation of a qualifying contract of the purchaser or rate redetermination under subsection (b)(1), the substitution of a Producer Price Index under subsection (b)(2), the modification of the contract under subsection (b)(3) or a determination by the Secretary not to provide the cancellation, redetermination, substitution, or modification; or

“(B) the modification of the term of a timber sale contract (including a qualifying contract) of the purchaser under subsection (c) or a determination by the Secretary not to provide the modification.

“(3) LIMITATION.—Subject to subsection (b)(1)(A), the cancellation of a qualifying contract by the Secretary under subsection (b)(1) shall release the timber purchaser from further obligation under the canceled contract.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

USE OF RECEIPTS FROM TIMBER SALES FOR ROAD CONSTRUCTION

Pub. L. 99-500, § 101(h) [title II], Oct. 18, 1986, 100 Stat. 1783-242, 1783-271, and Pub. L. 99-591, § 101(h) [title II], Oct. 30, 1986, 100 Stat. 3341-242, 3341-271, provided that: “Notwithstanding any other provision of law, the Secretary of Agriculture is hereafter authorized to use from any receipts from the sale of timber a sum equal to the cost of construction of roads under the purchaser election program as described and authorized in section 14(i) of the National Forest Management Act of 1976 [16 U.S.C. 472a(i)].”

§ 473. Revocation, modification, or vacation of orders or proclamations establishing national forests

The President of the United States is authorized and empowered to revoke, modify, or suspend any and all Executive orders and proclamations or any part thereof issued under section

471¹ of this title, from time to time as he shall deem best for the public interests. By such modification he may reduce the area or change the boundary lines or may vacate altogether any order creating a national forest.

(June 4, 1897, ch. 2, § 1, 30 Stat. 34, 36.)

REFERENCES IN TEXT

Section 471 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

The two sentences of this section are from provisions in section 1 of the Sundry Civil Appropriation Act for the fiscal year 1898, act June 4, 1897.

The first sentence is a portion of the third paragraph and was prefaced by the words “To remove any doubt which may exist pertaining to the authority of the President thereunto.” Other provisions of the same paragraph have been omitted as temporary.

The second sentence is a portion of the seventh paragraph the whole of which reads as follows: “The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve.”

SHORT TITLE

Certain provisions of act June 4, 1897, ch. 2, 30 Stat. 34, under the headings “UNDER THE DEPARTMENT OF THE INTERIOR.” and “SURVEYING THE PUBLIC LANDS.”, which enacted sections 473 to 478, 479 to 482, and 551 of this title, are popularly known as the Organic Administration Act.

§ 474. Surveys; plats and field notes; maps; effect under Act June 4, 1897

Surveys, field notes, and plats returned from the survey of public lands designated as national forests undertaken under the supervision of the Director of the United States Geological Survey in accordance with provisions of Act June 4, 1897, chapter 2, section 1, thirtieth Statutes, page 34, shall have the same legal force and effect as surveys, field notes, and plats returned through the Field Surveying Service; and such surveys, which include subdivision surveys under the rectangular system, approved by the Secretary of the Interior or such officer as he may designate as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are declared inoperative as respects such survey. A copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the Bureau of Land Management.

(June 4, 1897, ch. 2, § 1, 30 Stat. 34; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 1000.)

REFERENCES IN TEXT

Act June 4, 1897, chapter 2, section 1, referred to in text, is act June 4, 1897, ch. 2, 30 Stat. 34. For classification of this Act to the Code, see Tables.

¹ See References in Text note below.

CHANGE OF NAME

“United States Geological Survey” substituted in text for “Geological Survey” pursuant to provision of title I of Pub. L. 102-154, set out as a note under section 31 of Title 43, Public Lands.

TRANSFER OF FUNCTIONS

“Field Surveying Service” substituted in text for “office of surveyors-general” by act Mar. 3, 1925. Subsequently, the Service was abolished and its functions transferred to Secretary of the Interior by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

“Secretary of the Interior or such officer as he may designate” substituted in text for “Commissioner of the General Land Office” on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5.

“Bureau of Land Management” substituted for “General Land Office” on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5. The “General Land Office” was abolished by Reorg. Plan No. 3 of 1946 with its functions consolidated with that of the Grazing Service to form a new agency in the Department of the Interior to be known as the Bureau of Land Management.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5.

§ 475. Purposes for which national forests may be established and administered

All public lands designated and reserved prior to June 4, 1897, by the President of the United States under the provisions of section 471¹ of this title, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as national forests under said section, shall be as far as practicable controlled and administered in accordance with the following provisions. No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of said section, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

(June 4, 1897, ch. 2, § 1, 30 Stat. 34.)

REFERENCES IN TEXT

Section 471 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

“National forests” and “national forest” substituted in text for “public forest reserves” and “public forest reservation”, respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 476. Repealed. Pub. L. 94-588, § 13, Oct. 22, 1976, 90 Stat. 2958

Section, acts June 4, 1897, ch. 2, § 1, 30 Stat. 35; June 9, 1900, ch. 804, 31 Stat. 661; Feb. 1, 1905, ch. 288, § 1, 33

Stat. 628; June 30, 1906, ch. 3913, 34 Stat. 684; Mar. 3, 1925, ch. 457, § 3, 43 Stat. 1132; May 27, 1952, ch. 337, 66 Stat. 95, authorized the Secretary of Agriculture to sell timber from national forests. See section 472a of this title.

VALIDATION OF TIMBER SALES CONTRACTS

Section 15 of Pub. L. 94-588 provided that:

“(a) Timber sales made pursuant to the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 476), prior to the date of enactment of this section [Oct. 22, 1976] shall not be invalid if the timber was sold in accord with Forest Service silvicultural practices and sales procedures in effect at the time of the sale, subject to the provisions of subsection (b) of this section.

“(b) The Secretary of Agriculture is directed, in developing five-year operating plans under the provisions of existing fifty-year timber sales contracts in Alaska, to revise such contracts to make them consistent with the guidelines and standards provided for in the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended [16 U.S.C. 1600 et seq.], and to reflect such revisions in the contract price of timber. Any such action shall not be inconsistent with valid contract rights approved by the final judgment of a court of competent jurisdiction.”

§ 477. Use of timber and stone by settlers

The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such national forests may be located.

(June 4, 1897, ch. 2, § 1, 30 Stat. 35; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628.)

CODIFICATION

“National forests” substituted in text for “reservations” on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with provisions of sections 473, 474 to 482, and 551 of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

Act Feb. 1, 1905 transferred certain functions with regard to administration of public forests from Secretary of the Interior to Secretary of Agriculture.

¹ See References in Text note below.

§ 478. Egress or ingress of actual settlers; prospecting

Nothing in sections 473 to 478, 479 to 482 and 551 of this title shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything in such sections prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof. Such persons must comply with the rules and regulations covering such national forests.

(June 4, 1897, ch. 2, § 1, 30 Stat. 36; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628.)

CODIFICATION

“National forests” substituted in text for “reservations” and “forest reservations” on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with provisions of sections 473, 474 to 482, and 551 of this title with respect to preconstruction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

Act Feb. 1, 1905, transferred certain functions with regard to administration of public forests from Secretary of the Interior to Secretary of Agriculture.

§ 478a. Townsites

When the Secretary of Agriculture determines that a tract of National Forest System land in Alaska or in the eleven contiguous Western States is located adjacent to or contiguous to an established community, and that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership, he may, upon application, set aside and designate as a townsite an area of not to exceed six hundred and forty acres of National Forest System land for any one application. After public notice, and satisfactory showing of need therefor by any

county, city, or other local governmental subdivision, the Secretary may offer such area for sale to a governmental subdivision at a price not less than the fair market value thereof: *Provided, however*, That the Secretary may condition conveyances of townsites upon the enactment, maintenance, and enforcement of a valid ordinance which assures any land so conveyed will be controlled by the governmental subdivision so that use of the area will not interfere with the protection, management, and development of adjacent or contiguous National Forest System lands.

(Pub. L. 85-569, July 31, 1958, 72 Stat. 438; Pub. L. 94-579, title II, § 213, Oct. 21, 1976, 90 Stat. 2760.)

CODIFICATION

Section is also set out as section 1012a of Title 7, Agriculture.

AMENDMENTS

1976—Pub. L. 94-579 substituted provisions setting forth the procedures applicable to designation of townsites of tracts of National Forest System lands in Alaska or the eleven contiguous Western States for provisions setting forth the procedures applicable to designation of townsites from any national forest lands or lands administered by the Secretary of Agriculture under the Bankhead-Jones Farm Tenant Act.

SAVINGS PROVISION

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 479. Sites for schools and churches

The settlers residing within the exterior boundaries of national forests, or in the vicinity thereof, may maintain schools and churches within such national forest, and for that purpose may occupy any part of the said national forest, not exceeding two acres for each schoolhouse and one acre for a church.

(June 4, 1897, ch. 2, § 1, 30 Stat. 36.)

CODIFICATION

“National forests” substituted in text for “forest reservations”, and “national forest” substituted for “reservation” and “forest reservation” on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 479a. Conveyance of National Forest System lands for educational purposes

(a) Authority to convey

Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

- (1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;
- (2) the conveyance will serve the public interest;
- (3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) Acreage limitation

A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) Costs and mineral rights

(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this section shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) Review of applications

When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) Reversionary interest

If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

(Pub. L. 106-577, title II, §202, Dec. 28, 2000, 114 Stat. 3070.)

REFERENCES IN TEXT

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in subsec. (a)(7), is

Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (§1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

This section, referred to in subsec. (c)(2), was in the original “this title”, meaning title II of Pub. L. 106-577, Dec. 28, 2000, 114 Stat. 3070, which enacted this section and provisions set out as a note under this section. For complete classification of title II to the Code, see Short Title note below and Tables.

SHORT TITLE

Pub. L. 106-577, title II, §201, Dec. 28, 2000, 114 Stat. 3070, provided that: “This title [enacting this section] may be cited as the ‘Education Land Grant Act’.”

§ 480. Civil and criminal jurisdiction

The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

(June 4, 1897, ch. 2, §1, 30 Stat. 36; Mar. 1, 1911, ch. 186, §12, 36 Stat. 963.)

CODIFICATION

Provisions substantially in the language of this section are contained in section 12 of act Mar. 1, 1911, applicable to national forest lands acquired on the recommendation of the National Forest Reservation Commission under sections 500, 515 to 519, 521, 552 and 563 of this title.

“National forests” and “national forest” substituted in text for “forest reservations” and “reservation”, respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 481. Use of waters

All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder.

(June 4, 1897, ch. 2, §1, 30 Stat. 36.)

CODIFICATION

“National forests” substituted in text for “reservations” and “forest reservations” on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 482. Mineral lands; restoration to public domain; location and entry

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days’ notice thereof, published in two papers of general circulation in the State or Territory wherein any national forest is situated, and near the said national forest, any public lands embraced within the limits of any such forest which, after due examination by personal

inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions contained in sections 473 to 478, 479 to 482 and 551 of this title.

(June 4, 1897, ch. 2, §1, 30 Stat. 36.)

CODIFICATION

“National forest” substituted in text for “forest reservation” twice and “reservation” once, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with provisions of sections 473, 474 to 482, and 551 of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

For transfer of certain functions with regard to the administration of national forests from Secretary of the Interior to Secretary of Agriculture, see section 472 of this title.

§ 482a. Mining rights in Prescott National Forest

On and after January 19, 1933, mining locations made under the United States mining laws upon lands within the municipal watershed of the city of Prescott, within the Prescott National Forest in the State of Arizona, specifically described as the west half southwest quarter section 13; south half section 14; southeast quarter, and east half southwest quarter section 15; east half, and south half southwest quarter section 22; all of section 23; west half section 24; all of sections 26 and 27; north half north half section 34; and north half north half section 35, township 13 north, range 2 west, Gila and Salt River Base and meridian, an area of three thousand six hundred acres, more or less, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit

shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

On and after January 19, 1933, all patents issued under the United States mining laws affecting lands within the municipal watershed of the city of Prescott, within the Prescott National Forest, in the State of Arizona, shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

Valid mining claims within the municipal watershed of the city of Prescott, within the Prescott National Forest in the State of Arizona, existing on January 19, 1933, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under this section, or under the laws under which they were initiated, as the claimant may desire.

(Jan. 19, 1933, ch. 12, §§1-3, 47 Stat. 771.)

§ 482b. Mount Hood National Forest; mining rights

On and after May 11, 1934, mining locations made under the United States mining laws upon lands within the Mount Hood National Forest in the State of Oregon shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources there-

from not reasonably required for carrying on mining or prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(May 11, 1934, ch. 280, § 1, 48 Stat. 773.)

BULL RUN WATERSHED MANAGEMENT UNIT

Pub. L. 95-200, Nov. 23, 1977, 91 Stat. 1425, as amended by Pub. L. 104-208, div. B, title VI, §§ 601 to 604, Sept. 30, 1996, 110 Stat. 3009-541; Pub. L. 104-333, div. I, title X, § 1026(a), Nov. 12, 1996, 110 Stat. 4228; Pub. L. 107-30, §§ 1, 2(a), (c), Aug. 20, 2001, 115 Stat. 210, 211, provided that:

“PREAMBLE

“The Congress finds that an area of land in the State of Oregon known variously as the Bull Run National Forest and the Bull Run Forest Reserve is presently the source of the sole domestic water supply for the city of Portland, Oregon (hereinafter called the ‘city’) and other local governmental units and persons in the Portland metropolitan area, reserved for the city by a Presidential proclamation issued in 1892 and furnishing an extremely valuable resource of pure clear raw potable water, the continued production of which should be the principal management objective in the area hereinafter referred to as ‘the unit’; that the said area is now managed under terms of a Federal court decree issued pursuant to turn of the century law which does not appropriately address present and future needs and opportunities for the protection, management, and utilization of the resources contained therein.

“SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY

“(a) DEFINITION OF SECRETARY.—In this Act, the term ‘Secretary’ means—

“(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

“(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon, comprising approximately 98,272 acres, as depicted on a map dated May 2000 and entitled ‘Bull Run Watershed Management Unit’.

“(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of—

“(A) the Regional Forester-Pacific Northwest Region of the Forest Service; and

“(B) the Oregon State Director of the Bureau of Land Management.

“(3) BOUNDARY ADJUSTMENTS.—The Secretary may periodically make such minor adjustments in the boundaries of the unit as are necessary, after consulting with the city and providing for appropriate public notice and hearings.

“MANAGEMENT

“SEC. 2. (a) The unit and the renewable resources therein, shall be administered as a watershed by the Secretary in accordance with the laws, rules, and regulations applicable to land under the administrative jurisdiction of the Forest Service (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior) except to the extent that any management plan or practice is

found by the Secretary to have a significant adverse effect on compliance with the water quality standards referred to in section 2(c) hereof or on the quantity of the water produced thereon for the use of the city, and other local government units and persons using such water under agreements with the city (and the Secretary shall take into consideration the cumulative effect of individually insignificant degradations), in which case, and notwithstanding any other provision of law, the management plan and all relevant leases, permits, contracts, rights-of-way, or other rights or authorizations issued pursuant thereto shall forthwith be altered by the Secretary to eliminate such adverse effect by application of different techniques or prohibitions of one or more such practices or uses: *Provided, however,* That use of such water for the production of energy and the transmission of such energy through and over the unit are deemed consistent with the purposes of this Act and the rights-of-way heretofore granted to Bonneville Power Administration by the Forest Service through and over the unit are validated and confirmed and deemed consistent with the purposes of this Act.

“(b) TIMBER CUTTING.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the unit, as designated in section 1 and depicted on the map referred to in that section.

“(2) PERMITTED CUTTING.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall prohibit the cutting of trees in the area described in paragraph (1).

“(B) PERMITTED CUTTING.—Subject to subparagraph (C), the Secretary may only allow the cutting of trees in the area described in paragraph (1)—

“(i) for the protection or enhancement of water quality in the area described in paragraph (1); or

“(ii) for the protection, enhancement, or maintenance of water quantity available from the area described in paragraph (1); or

“(iii) for the construction, expansion, protection or maintenance of municipal water supply facilities; or

“(iv) for the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the unit or previously authorized hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities.

“(C) SALVAGE SALES.—The Secretary may not authorize a salvage sale in the area described in paragraph (1).

“(c) The policy set forth in subsections (a) and (b) shall be attained through the development, maintenance, and periodic revision of land management plans in accordance with procedures set forth in section 5 [6] of the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 477, as amended; 16 U.S.C. 1604) (in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance of systems for monitoring and evaluating water quality, and through supporting scientific research as the Secretary may deem necessary after consultation and in coordination with the city. In the development and revision of land management plans for the unit, the Secretary, except as otherwise provided in section 2(a) hereof, shall provide for public participation and shall consult and coordinate with appropriate officials and advisors of the city, and shall consider such data and research as the city may collect through its own monitoring systems and scientific efforts, if any. Such plans shall be prepared by an interdisciplinary team; be embodied in appropriate written material, including maps and other descriptive documents; shall contain water quality standards developed by the Secretary after consultation and in cooperation with the city, which standards shall be substantially based on and shall reflect a quality of water

not significantly less than the quality reflected by percentile curves developed from data collected from 1967 through 1975 and, if none, from data collected in the first three years of record thereafter; and be available to the public at convenient locations. The initial plan or plans shall be completed as soon as practicable after the enactment of this Act [Nov. 23, 1977], but not later than September 30, 1979. Current data shall be compared to historical data at least annually for the purpose of determining compliance with the standards and the significance of any deviation therefrom. Deviations occurring from operation, maintenance, alteration, or construction of water storage, or electrical generation and transmission facilities, seasonal fluctuations, variations in climate, and other natural phenomena, fire, or acts of God, shall not be considered in determining the historical or current percentile curves.

“(d) The Secretary or his representative shall, upon request, and at least annually, meet with appropriate officials of the city for the purpose of reviewing planned management programs and the impact thereof on the quality and quantity of the water produced on the unit and assuring that their respective management and operational activities within the unit are appropriately coordinated. The Secretary shall negotiate in good faith cooperative agreements with appropriate officials of the city to effectuate activity coordination.

“(e) In the event there is disagreement between the city and the Secretary with respect to the development or revision of the water quality standards provided for herein, or with respect to the effect or the significance of such effect of one or more proposed or existing programs, practices, uses, regulations, or boundary adjustments (except as otherwise specifically provided for herein), on the quantity of the water produced on said unit, or on compliance with the water quality standards referred to in section 2(a) and (b) [now (c)] hereof and, therefore, with respect to the necessity for an alteration or prohibition of any such program, practice, use, regulation, or boundary adjustment as required in section 2(a) hereof, an arbitration board for resolving such disagreements shall be established. The Secretary and the city shall, each, forthwith appoint one member to such board and those two members shall select a third. In the event agreement cannot be reached on the third member within seven days after the appointment of the first two, the third member shall be appointed by the presiding judge of the United States District Court for the District of Oregon within seven days after being notified of such disagreement by either of the first two members. All of said members shall be qualified to make a scientific determination of the facts. The contentions of the city and the Secretary shall be submitted to the board in the form of written contentions of fact together with the evidence and analysis that tends to support the position being presented. The board shall forthwith consider and decide, on a scientific basis, the issues in disagreement by majority vote, taking into consideration the evidence and data presented by the parties and such other tests and data which the board by majority vote may require. The decision of such board shall be in the form of written findings of fact and conclusions based thereon and shall be final and binding on the parties. The Secretary and the city shall compensate their designees and share equally the compensation of the third member, and shall provide such technical and administrative support as required.

“(f) The Secretary is authorized, after consultation with the city, to promulgate regulations for controlling entry into the unit by all persons including but not limited to—

“(1) employees or contractors of the city engaged in the inspection, maintenance, construction, or improvement of the city’s facilities;

“(2)(i) Federal, State, and local government officers and (ii) employees thereof acting in an official capacity;

“(3) Federal, State, and local government permittees and contractors conducting authorized activities;

“(4) members of advisory groups formed pursuant to this Act or ordinances of the city in the performance of their official duties:

Provided, That no regulation promulgated pursuant to this subsection shall prohibit ingress or egress to non-Federal lands or to authorized occupancies on, or uses of, Federal lands: *Provided further*, That the Secretary may independently and directly prohibit or restrict all entry into the unit during fire or other emergencies as he may determine.

“EFFECT ON OTHER LAWS

“SEC. 3. (a) Nothing in this Act shall terminate or affect any lease, permit, contract, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act [Nov. 23, 1977] and otherwise valid except for the provisions of section 1862 of title 18 of the United States Code.

“(b) Nothing in this Act shall in any way affect any law governing appropriation or use of, or Federal right to, water on National Forest System lands; or as expanding or diminishing Federal, State, or local jurisdiction, responsibility, interests, or rights in water resources development or control.

“(c) Section 1862 of title 18 of the United States Code is hereby repealed.

“(d) Except as otherwise provided for herein, this Act shall take precedence over and supersede all State and local laws dealing with or affecting the subject matter of this Act.

“(e) Challenge to actions taken by any governmental unit or official under the provisions of this Act shall not be sustained by any court except upon a showing or arbitrary, unreasonable, capricious, or illegal action or an absence of substantial good faith compliance with the procedural provisions hereof substantially prejudicing the rights of an interested party.”

§ 482c. Patents affecting forest lands

On and after May 11, 1934, all patents issued under the United States mining laws affecting lands within the Mount Hood National Forest within the State of Oregon shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Forest Service.

(May 11, 1934, ch. 280, §2, 48 Stat. 773.)

§ 482d. Perfection of claims within forest

Valid mining claims within the Mount Hood National Forest in the State of Oregon existing on May 11, 1934, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Oregon, may be perfected under sections 482b and 482c of this title, or under the law under which they were initiated, as the claimant may desire.

(May 11, 1934, ch. 280, §3, 48 Stat. 773.)

§ 482e. Lincoln National Forest; mining rights

On and after June 13, 1939, mining locations made under the United States mining laws upon

lands within the watershed of the headwaters of the Bonito River in the Lincoln National Forest within the State of New Mexico, specifically described as those certain pieces or parcels of land situate, lying, and being in the county of Lincoln, State of New Mexico, described as follows:

The east half east half section 12, east half east half section 13, east half northeast quarter section 24, township 10 south, range 10 east, New Mexico principal meridian; southeast quarter section 25, southwest quarter section 26, south half section 27, southeast quarter and south half southwest quarter section 28, southeast quarter section 31, and all of sections 32, 33, 34, 35, and 36, township 9 south, range 11 east, New Mexico principal meridian; all of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 27, 28, and 29, north half section 19, north half and southwest quarter section 24, northwest quarter section 26, north half northeast quarter section 32, and north half north half section 33, township 10 south, range 11 east, New Mexico principal meridian; southwest quarter section 25, south half of fractional section 26, all of fractional section 35, and all of section 36, township 9 south, range 12 east, New Mexico principal meridian; all of section 1, all of fractional section 2, all of fractional section 11, all of section 12, all of section 13, all of fractional section 14, north half of fractional section 23, and north half section 24, township 10 south, range 12 east, New Mexico principal meridian; having an area of approximately thirty-nine and three hundred and seventy-six one-thousandths square miles, shall confer on the locator the right to occupy and use only so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(June 13, 1939, ch. 201, § 1, 53 Stat. 817.)

§ 482f. Patents affecting forest lands

On and after June 13, 1939, all patents issued under the United States mining laws affecting lands within the watershed of headwaters of the Bonito River in the Lincoln Forest, in the State of New Mexico, shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing the mineral deposits, if the

timber is removed in accordance with the rules for timber cutting on adjoining national-forest land, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

(June 13, 1939, ch. 201, § 2, 53 Stat. 818.)

§ 482g. Perfection of claims within forest

Valid mining claims within the watershed of the headwaters of the Bonito River in the Lincoln National Forest, within the State of New Mexico, as above described, existing on June 13, 1939, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of New Mexico, may be perfected under sections 482e and 482f of this title, or under the laws under which they were initiated, as the claimant may desire.

(June 13, 1939, ch. 201, § 3, 53 Stat. 818.)

§ 482h. Coronado National Forest; mining rights

On and after March 15, 1940, mining locations made under the mining laws of the United States upon lands within four hundred feet of the center line of the Catalina Highway, Coronado National Forest, Arizona, which highway begins at the south boundary of said national forest near the southeast corner of section 7, township 13 south, range 16 east, Gila and Salt River base and meridian, and runs in a general northerly direction for a distance of about twenty-five miles to Soldier Camp, shall confer on the locator no right to the surface of the land described in his location other than the right to occupy and use, under the rules and regulations relating to the administration of the Coronado National Forest, so much thereof as may be reasonably necessary to carry on prospecting and mining, and shall not authorize the taking of any resource other than the mineral deposits, or the occupancy of said land for any purpose other than prospecting and mining; and each patent issued thereafter under the United States mining laws upon a mineral location made upon lands within four hundred feet of said center line shall convey title only to the mineral deposits within said land and the right, subject to rules and regulations relating to the national forests, to occupy and use the surface of the land for prospecting and mining only: *Provided,* That valid mining claims within said lands existing on March 15, 1940, and thereafter maintained in compliance with the laws under which they were initiated and the laws of the State of Arizona may be perfected in accordance with the laws under which they were initiated.

(Mar. 15, 1940, ch. 59, 54 Stat. 52.)

§ 482h-1. Protection of scenic values of forest

On and after June 11, 1946, mining locations made under mining laws of the United States within the following-described lands within the Coronado National Forest, Pima County, Arizona: Sections 25, 26, 35, and 36, and the east half

of section 34, township 11 south, range 15 east; sections 30, 31, 32, and 33, and the west half of section 29, township 11 south, range 16 east; sections 1, 2, and 3, township 12 south, range 15 east; sections 3, 4, 5, 6, 7, 8, 9, 10, 15, and 16, the west half of section 11, the west half of section 14, and the northwest quarter of section 23, township 12 south, range 16 east; Gila and Salt River base and meridian, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores including the taking of mineral deposits and timber required by or in the mining and ore reducing operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(June 11, 1946, ch. 377, §1, 60 Stat. 254.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 482h-2. Cutting of timber; reservation of patent rights

On and after June 11, 1946, all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

(June 11, 1946, ch. 377, §2, 60 Stat. 255.)

§ 482h-3. Perfection of mining claims

Valid mining claims within the said lands, existing on June 11, 1946, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under sections 482h-1 to 482h-3 of this title, or under the laws under

which they were initiated, as the claimant may desire.

(June 11, 1946, ch. 377, §3, 60 Stat. 255.)

§ 482i. Plumas National Forest; offer of lands; additions; mining rights

Within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of sections 485 and 486 of this title, upon notice as therein provided and upon acceptance of title, shall become parts of the Plumas National Forest; and any of such described areas in Government ownership found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest may be added to said national forest as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: *Provided*, That any lands received in exchange under the provisions of this section shall be open to mineral locations, mineral development, and patent in accordance with the mining laws of the United States:

Township 18 north, range 7 east, Mount Diablo base and meridian, California: Sections 3, 4, 5, 9, 10, 11, 12, 13, 15, 22, 23, 26, and 27.

(June 5, 1942, ch. 334, 56 Stat. 311.)

§ 482j. Santa Fe National Forest; mining rights; protection of scenic values

On and after June 10, 1949, mining locations made under mining laws of the United States within the following-described lands within the Santa Fe National Forest, Santa Fe, New Mexico: Sections 1, 2, 3, the northeast quarter of section 11 and the north half of section 12, in surveyed township 17 north, range 10 east; sections 12, 13, 14, 15, 16, 36, and that portion of section 25, outside the boundaries of the Gabaldon Grant in surveyed township 18 north, range 10 east; three thousand eight hundred and forty acres, more or less, in unsurveyed township 18 north, range 11 east, expected to be legally described, when surveyed, as sections 7, 8, 18, 19, and 30, the northeast quarter of section 17, the west half of section 17 and the west half of section 20, township 18 north, range 11 east, New Mexico principal meridian, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores including the taking of mineral deposits and timber required by or in the mining and ore reducing operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and pros-

pecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(June 10, 1949, ch. 190, §1, 63 Stat. 168.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 482k. Patents affecting forest lands

On and after June 10, 1949, all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

(June 10, 1949, ch. 190, §2, 63 Stat. 168.)

§ 482l. Perfection of mining claims within forest

Valid mining claims within the said lands, existing on June 10, 1949, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of New Mexico, may be perfected under sections 482j to 482l of this title, or under the laws under which they were initiated, as the claimant may desire.

(June 10, 1949, ch. 190, §3, 63 Stat. 169.)

§ 482m. Teton National Forest in Wyoming; additional lands

The following-described lands of the Jackson Hole National Monument are made a part of the Teton National Forest and shall be administered hereafter in accordance with the laws applicable to said forest:

SIXTH PRINCIPAL MERIDIAN

Township 45 north, range 113 west: Section 21, lot 5; section 22, lots 2 and 6; section 23, lot 3; section 26, lots 2, 3, 6, 7, southwest quarter northwest quarter, southwest quarter and southwest quarter southeast quarter; section 27, lots 1, 2, 4, 6, 7, 8, 9, southeast quarter northeast quarter and south half; section 28, lot 1, southeast quarter northeast quarter and east half southeast quarter; section 29, lots 2, 4, 5, 6, 8, southwest quarter northeast quarter, northwest quarter southeast quarter, south half northwest quarter, and north half southwest quarter; section 30, lot 7, south half northeast quarter, north half southeast quarter and southeast

quarter southeast quarter; section 31, lots 1 and 2; section 32, lots 2 and 5; section 33, east half northeast quarter and northeast quarter southeast quarter; section 34, north half and north half south half; section 35, north half, containing in all two thousand eight hundred six and thirty-four one-hundredths acres, more or less.

(Sept. 14, 1950, ch. 950, §3, 64 Stat. 850.)

REFERENCES IN TEXT

The Jackson Hole National Monument, referred to in text, was created in Wyoming by Presidential Proc. No. 2578, Mar. 15, 1943, 57 Stat. 731. For provisions transferring other lands of such former national monument, see sections 406d-1 and 673b of this title.

REVOCATION OF TEMPORARY WITHDRAWALS OF PUBLIC LANDS

Revocation of temporary withdrawals of public lands in aid of legislation pertaining to parks, monuments, etc., adjacent to Grand Teton National Park in Wyoming, see note under section 406d-1 of this title.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note set out under section 406d-1 of this title.

§ 482n. Coconino National Forest; mining rights; protection of scenic values

On and after May 24, 1949, mining locations made under the mining laws of the United States within the following-described lands within the Coconino National Forest, Coconino County, Arizona: Sections 14, 15, 19, 20, 22, 27, 28, 29, 34, of township 19 north, range 6 east; and sections 4, 5, 8, 9, 16, 17, 20, 21, 22, 27, 28, 33, and 34 of township 18 north, range 6 east; and sections 1, 2, 3, 4, southeast quarter of section 8, sections 9, 10, 11, and 12, of township 17 north, range 6 east; Gila and Salt River base and meridian, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores including the taking of mineral deposits and timber required by or in the mining and ore reducing operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(May 24, 1949, ch. 136, §1, 63 Stat. 75.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 482n-1. Cutting of timber within forest; reservation of patent rights

On and after May 24, 1949, all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

(May 24, 1949, ch. 136, § 2, 63 Stat. 75.)

§ 482n-2. Perfection of mining claims within forest

Valid mining claims within the said lands, existing on May 24, 1949, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under sections 482n to 482n-3 of this title, or under the laws under which they were initiated, as the claimant may desire.

(May 24, 1949, ch. 136, § 3, 63 Stat. 76.)

REFERENCES IN TEXT

May 24, 1949, referred to in text, was in the original "the date of enactment of this Act". The date thus referred to is deemed to relate to the date of enactment of section 482n-3 of this title, May 19, 1955, as applied to any land described in section 482n-3 of this title.

§ 482n-3. Sedona-Oak Creek area

The provisions of sections 482n to 482n-2 of this title are extended to the following-described lands within the Coconino National Forest, Coconino and Yavapai Counties, Arizona:

Sections 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and the southwest quarter of section 25, township 18 north, range 4 east;

Sections 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, and the east half of the east half of section 29, township 18 north, range 5 east;

Sections 18, 19, 29, 30, 31, and 32, township 18 north, range 6 east;

Sections 1 to 36, inclusive, township 17 north, range 5 east;

Sections 5, 6, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and all of section 8 except the southeast quarter, township 17 north, range 6 east;

Sections 11, 12, 13, 14, 23, and 24, township 16 north, range 5 east.

Sections 7, 8, 9, 10, 16, 17, 18, 19, and 20, township 16 north, range 6 east, Gila and Salt River Base and meridian: *Provided, however*, That as applied to any lands described in this section, the word "hereinafter" in sections 482n and

482n-1 of this title and the words "date of the enactment of this Act" in section 482n-2 of this title, shall be deemed to relate to the date of the enactment of this section.

(May 24, 1949, ch. 136, § 4, as added May 19, 1955, ch. 42, 69 Stat. 50.)

REFERENCES IN TEXT

The words "date of the enactment of this Act" as relating to section 482n-2 of this title changed to "May 24, 1949", for purposes of codification in section 482n-2. The word "hereinafter" does not appear in sections 482n and 482n-1 of this title, but the word "Hereafter" was changed to "On and after May 29, 1942" in those sections for purposes of codification.

The date of the enactment of this section, referred to in text, is May 19, 1955.

§ 482o. Kaibab National Forest; mining rights; protection of scenic values

On and after July 12, 1951 mining locations made under the mining laws of the United States within the following-described lands within the Kaibab National Forest, Coconino County, Arizona:

Sections 2, 11, 12, 13, 14, 23, and 26, township 22 north, range 2 east;

Sections 1, 12, and 13, township 28 north, range 2 east;

Sections 1, 12, 13, 24, 25, and 36, township 29 north, range 2 east;

Sections 13, 24, 25, and 36, township 30 north, range 2 east;

Section 18, township 30 north, range 3 east;

Sections 12 and 13, township 30 north, range 5 east;

Sections 7, 18, 19, 29, 30, 32, and 33, township 30 north, range 6 east;

Sections 3 and 4, township 29 north, range 6 east, Gila and Salt River Base and meridian; and also those mining locations made under the mining laws of the United States on public domain lands within those particular sections of townships 23 north, 24 north, 25 north, 26 north, 27 north, and 28 north, all in range 2 east, Gila and Salt River Base and meridian, through which there extends Arizona State Highway numbered 64 and a strip of land one thousand feet wide on each side of the center line of the right-of-way thereof; shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores, including the taking of mineral deposits and timber required by or in the mining and ore-reducing operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, or rules and regulations issued by the Secretary of the Interior under sections 482o to 482q of this title with respect to public domain lands under his jurisdiction, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be al-

lowed except under the national-forest rules and regulations or rules and regulations of the Secretary of the Interior, as the case may be, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of such regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(July 12, 1951, ch. 222, §1, 65 Stat. 118.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 482p. Patents affecting lands within forest

On and after July 12, 1951, all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by such rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture or the Department of the Interior, respectively.

(July 12, 1951, ch. 222, §2, 65 Stat. 118.)

§ 482q. Perfection of mining claims within forest

Valid mining claims within the said lands, existing on July 12, 1951, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under sections 482o to 482q of this title, or under the laws under which they were initiated, as the claimant may desire.

(July 12, 1951, ch. 222, §3, 65 Stat. 119.)

§§ 483, 484. Repealed. Pub. L. 86-596, §3, July 6, 1960, 74 Stat. 335

Sections, act Sept. 22, 1922, ch. 404, §§1, 2, 42 Stat. 1017, related to exchange of lands in national forests with persons who have relinquished lands as basis for lieu selection, procedure, relinquishment of original lands to such persons, and selection of other lands in lieu of lands relinquished.

§ 484a. Exchange of lands in national forests; public schools; deposit of funds by school authority with insufficient exchange land; limitations on use

Whenever an exchange of land is proposed by a State, county, or municipal government or public school district or other public school authority under sections 485 and 486 of this title or other authority under which the Secretary of Agriculture is authorized to exchange national forest lands or other lands administered by the Forest Service, if the State, county, or municipal government or public school authority pro-

posing the exchange has insufficient land to offer, the exchange may be completed upon deposit with the Secretary of Agriculture of a portion or all of the value of the selected land. Any amount so deposited shall be covered into a special fund in the Treasury which when appropriated shall be available until expended by the Secretary of Agriculture for the acquisition of lands in the same State as the selected lands and which are determined by him to be suitable for the same purposes as the selected lands. Lands so acquired shall have the same status and shall be subject to the same laws, regulations, and rules as the selected lands.

The provisions of this section shall not be applicable to the conveyance in exchange of more than eighty acres to any one State, county, or municipal government or public school district or other public school authority. Lands may be conveyed to any State, county, or municipal government pursuant to this section only if the lands were being utilized by such entities on January 12, 1983. Lands so conveyed may be used only for the purposes for which they were being used prior to conveyance.

(Pub. L. 90-171, Dec. 4, 1967, 81 Stat. 531; Pub. L. 97-465, §8, Jan. 12, 1983, 96 Stat. 2536.)

AMENDMENTS

1983—Pub. L. 97-465 inserted references to State, county, or municipal government in three places in existing provisions and inserted provision authorizing the conveyance of lands to any State, county, or municipal government pursuant to this section only if the lands were being utilized by such entities on January 12, 1983, and requiring that lands so conveyed be used only for the purposes for which they were being used prior to conveyance.

SHORT TITLE

This section is popularly known as the Sisk Act.

§ 485. Exchange of lands in national forests; cutting timber in national forests in exchange for lands therein

When the public interests will be benefited thereby, the Secretary of Agriculture is authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in his opinion, are chiefly valuable for national-forest purposes, and in exchange therefor may patent not to exceed an equal value of such national-forest land, in the same State, surveyed and nonmineral in character, or he may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by him. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance

with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this section and section 486 of this title shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

(Mar. 20, 1922, ch. 105, §1, 42 Stat. 465; Pub. L. 86-509, §1(a), June 11, 1960, 74 Stat. 205.)

TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior under this section and section 486 of this title, with respect to exchanges of non-Federal lands for national forest lands or timber, transferred to Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

"Secretary of Agriculture is authorized", "in his opinion", "he may authorize" and "the values in each case to be determined by him" substituted in text for "Secretary of the Interior is authorized", "in the opinion of the Secretary of Agriculture", "the Secretary of Agriculture may authorize" and "the values in each case to be determined by the Secretary of Agriculture", respectively, in view of transfer of functions under this section to Secretary of Agriculture from Secretary of the Interior by section 1(a) of Pub. L. 86-509, set out as a note under section 2201 of Title 7.

§ 485a. Omitted

CODIFICATION

Section, act Aug. 2, 1935, ch. 424, 49 Stat. 508, related to lands adjacent to Chelan National Forest. See Codification note set out under sections 486a to 486w of this title.

§ 486. Exchange of lands in national forests; reservations of timber, minerals, or easements

Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon. All property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

(Mar. 20, 1922, ch. 105, §2, as added Feb. 28, 1925, ch. 375, 43 Stat. 1090.)

TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior under this section and section 485 of this title, with respect to exchanges of non-Federal lands for national forest lands or timber, transferred to Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

APPLICATION EXTENDED

Act June 25, 1935, ch. 308, 49 Stat. 422, provided that this section should be extended and made applicable to exchanges of lands under acts Feb. 14, 1923, ch. 75, 42 Stat. 1245, and Feb. 7, 1929, ch. 160, 45 Stat. 1154, which authorize the United States to acquire privately owned lands situated within certain townships in the Lincoln National Forest in the State of New Mexico, by exchanging therefor an equal value of unreserved and unappropriated public lands within said State.

§§ 486a to 486w. Omitted

CODIFICATION

Exchanges of lands in or adjacent to national forests were authorized by Congress in the following instances:

Absaroka National Forest—Act May 26, 1926, ch. 399, §4, 44 Stat. 656.

Arapaho National Forest—Acts Mar. 3, 1927, ch. 340, 44 Stat. 1378; Dec. 31, 1974, Pub. L. 93-575, 88 Stat. 1878.

Ashley National Forest—Act Jan. 26, 1931, ch. 44, 46 Stat. 1040.

Black Hills National Forest—Acts Feb. 15, 1927, ch. 152, 44 Stat. 1099; June 15, 1938, ch. 388, 52 Stat. 686.

Boise National Forest—Acts July 1, 1930, ch. 85, 46 Stat. 841; May 17, 1934, ch. 292, 48 Stat. 779; June 5, 1942, ch. 342, §1, 56 Stat. 320; July 17, 1959, Pub. L. 86-92, 73 Stat. 218; Pub. L. 106-493, §1, Nov. 9, 2000, 114 Stat. 2213.

Cache National Forest—Acts May 14, 1914, ch. 89, 38 Stat. 377; Feb. 17, 1917, ch. 86, 39 Stat. 922; Feb. 28, 1919, chs. 73, 77, 40 Stat. 1204, 1208; Feb. 25, 1932, ch. 57, 47 Stat. 55.

Calaveras Bigtree National Forest—Acts Feb. 18, 1909, ch. 143, 35 Stat. 627; May 7, 1912, ch. 105, 37 Stat. 108.

Caribou National Forest—Acts Apr. 18, 1914, ch. 63, 38 Stat. 346; June 5, 1920, ch. 262, 41 Stat. 1056; June 16, 1948, ch. 476, 62 Stat. 455.

Carson National Forest—Acts Apr. 21, 1926, ch. 167, 44 Stat. 303; Apr. 16, 1928, ch. 378, 45 Stat. 431; May 31, 1949, ch. 152, 63 Stat. 144; Oct. 9, 1972, Pub. L. 92-474, 86 Stat. 790.

Challis National Forest—Act Apr. 10, 1928, chs. 339, 340, 45 Stat. 415.

Chattahoochee National Forest—Act July 20, 1956, ch. 656, 70 Stat. 594.

Chelan National Forest—Act Aug. 2, 1935, ch. 424, 49 Stat. 508.

Chippewa National Forest—Acts June 8, 1940, ch. 285, §3, 54 Stat. 255; Oct. 5, 1949, ch. 597, 63 Stat. 702.

Cleveland National Forest—Act June 11, 1942, ch. 407, 56 Stat. 358.

Cochetopa National Forest—Act May 3, 1934, ch. 192, 48 Stat. 658.

Colorado National Forest—Acts Sept. 8, 1916, ch. 474, 39 Stat. 848; June 4, 1920, ch. 225, 41 Stat. 757; June 2, 1924, ch. 230, 43 Stat. 252; June 9, 1926, ch. 515, §1, 44 Stat. 714.

Columbia National Forest—Act Aug. 12, 1937, ch. 588, 50 Stat. 622.

Colville National Forest—Act Mar. 4, 1927, ch. 493, 44 Stat. 1412.

Crater National Forest—Acts Feb. 11, 1920, ch. 69, 41 Stat. 405; Apr. 23, 1928, chs. 414, 415, 45 Stat. 450.

Crow Creek National Forest—Act Mar. 13, 1908, ch. 84, 35 Stat. 42.

Custer National Forest—Act Mar. 3, 1925, ch. 440, 43 Stat. 1117.

Deschutes National Forest—Acts Feb. 2, 1922, ch. 46, 42 Stat. 362; May 24, 1935, ch. 140, 49 Stat. 288.

Dixie National Forest—Act Mar. 7, 1942, ch. 162, §2, 56 Stat. 142.

Eldorado National Forest—Act Feb. 20, 1925, ch. 272, 43 Stat. 954.

Fishlake National Forest—Act July 28, 1914, ch. 212, 38 Stat. 556.

Fremont National Forest—Acts May 14, 1930, ch. 270, 46 Stat. 278; Apr. 14, 1934, ch. 138, 48 Stat. 590.

Gallatin National Forest—Act May 26, 1926, ch. 399, §5, 44 Stat. 656.

- Gunnison National Forest—Acts Apr. 23, 1928, ch. 416, 45 Stat. 451; Mar. 4, 1933, ch. 277, 47 Stat. 1569.
- Harney National Forest—Acts Feb. 15, 1927, ch. 152, 44 Stat. 1099; Oct. 6, 1949, ch. 620, 63 Stat. 708.
- Helena National Forest—Act Apr. 23, 1930, ch. 206, 46 Stat. 250.
- Idaho National Forest—Acts Oct. 17, 1919, ch. 88, 41 Stat. 324; Apr. 10, 1928, ch. 338, 45 Stat. 415; June 30, 1932, ch. 332, 47 Stat. 474.
- Idaho, national forests in—Act Apr. 30, 1934, ch. 172, 48 Stat. 649.
- Kaniksu National Forest—Acts May 26, 1938, ch. 279, 52 Stat. 443; Aug. 10, 1939, ch. 661, 53 Stat. 1347; June 14, 1965, Pub. L. 89-39, 79 Stat. 129.
- Kansas National Forest—Act Feb. 28, 1911, ch. 181, 36 Stat. 960.
- Klamath National Forest—Act June 22, 1938, ch. 565, 52 Stat. 836.
- Lassen National Forest—Acts June 3, 1924, ch. 238, 43 Stat. 356; June 22, 1938, chs. 564, 566, 52 Stat. 835, 838.
- Lemhi National Forest—Act Mar. 1, 1921, ch. 101, 41 Stat. 1199.
- Lincoln National Forest—Acts Feb. 14, 1923, ch. 75, 42 Stat. 1245; Feb. 7, 1929, ch. 160, 45 Stat. 1154; June 25, 1935, ch. 308, 49 Stat. 422.
- Malheur National Forest—Acts Mar. 8, 1922, ch. 97, 42 Stat. 416; June 17, 1940, ch. 392, 54 Stat. 402.
- Manti National Forest—Act Mar. 26, 1928, ch. 250, 45 Stat. 370.
- Manzano National Forest—Act Apr. 16, 1928, ch. 378, 45 Stat. 431.
- Medicine Bow National Forest—Acts June 7, 1924, ch. 307, 43 Stat. 594; Apr. 13, 1926, ch. 131, 44 Stat. 248; Aug. 20, 1935, ch. 576, 49 Stat. 662.
- Minam National Forest—Act Mar. 3, 1919, ch. 107, 40 Stat. 1319.
- Minidoka National Forest—Act Jan. 11, 1922, ch. 24, 42 Stat. 355.
- Minnesota, national forests in—Act Dec. 7, 1942, ch. 691, 56 Stat. 1042.
- Missoula National Forest—Acts Feb. 17, 1917, ch. 85, 39 Stat. 922; May 17, 1928, ch. 611, 45 Stat. 598; Mar. 1, 1929, ch. 425, 45 Stat. 1426.
- Modoc National Forest—Acts Mar. 3, 1919, ch. 102, 40 Stat. 1316; Mar. 4, 1933, ch. 272, 47 Stat. 1563; June 22, 1938, ch. 564, 52 Stat. 835; Aug. 4, 1947, ch. 461, 61 Stat. 739.
- Modoc, Shasta, and Lassen National Forests—Act June 22, 1938, ch. 564, 52 Stat. 835.
- Montana, national forests in—Act Jan. 30, 1929, ch. 122, 45 Stat. 1145.
- Montezuma National Forest—Act May 22, 1928, ch. 686, 45 Stat. 711.
- Mount Hood National Forest—Acts Feb. 28, 1925, ch. 372, 43 Stat. 1079; May 21, 1934, ch. 317, 48 Stat. 785.
- National forests in Montana—Act Jan. 30, 1929, ch. 122, 45 Stat. 1145.
- New Mexico, national forests in—Act June 15, 1926, ch. 590, §1, 44 Stat. 747.
- Nez Perce National Forest—Act Mar. 1, 1921, ch. 96, 41 Stat. 1196.
- Nicolet National Forest—Act June 19, 1948, ch. 550, 62 Stat. 534.
- Ochoco National Forest—Acts June 24, 1914, ch. 123, 38 Stat. 387; Feb. 11, 1920, ch. 67, 41 Stat. 404; June 15, 1938, ch. 397, 52 Stat. 692; June 8, 1940, ch. 279, 54 Stat. 251.
- Olympic National Forest—Acts Sept. 22, 1922, ch. 424, 42 Stat. 1036; June 29, 1938, ch. 812, 52 Stat. 1241.
- Oregon National Forest—Acts Oct. 21, 1918, ch. 192, 40 Stat. 1015; Feb. 11, 1920, ch. 69, 41 Stat. 405; May 20, 1920, ch. 191, 41 Stat. 605.
- Paulina (Oregon) National Forest—Act July 25, 1912, ch. 252, 37 Stat. 200.
- Payette National Forest—Acts Oct. 17, 1919, ch. 88, 41 Stat. 324; July 17, 1959, Pub. L. 86-92, 73 Stat. 218; Pub. L. 106-493, §1, Nov. 9, 2000, 114 Stat. 2213.
- Pike National Forest—Acts Aug. 24, 1914, ch. 285, 38 Stat. 705; Mar. 4, 1915, ch. 173, 38 Stat. 1194; Sept. 8, 1916, chs. 469, 474, 39 Stat. 844, 848; May 3, 1934, ch. 191, 48 Stat. 657; Dec. 23, 1944, ch. 722, 58 Stat. 924.
- Pisgah National Forest—Act Aug. 26, 1935, ch. 682, 49 Stat. 800.
- Plumas National Forest—Acts June 3, 1924, ch. 238, 43 Stat. 356; Feb. 20, 1925, ch. 272, 43 Stat. 952; June 22, 1938, ch. 566, 52 Stat. 838; June 5, 1942, ch. 334, 56 Stat. 311.
- Pocatello National Forest—Act Feb. 18, 1911, ch. 115, 36 Stat. 919.
- Rainier National Forest—Acts Mar. 4, 1921, ch. 159, 41 Stat. 159; Dec. 20, 1921, ch. 11, 42 Stat. 350; May 28, 1926, ch. 410, §1, 44 Stat. 668.
- Rio Grande National Forest—Acts June 20, 1938, ch. 529, 52 Stat. 781; June 29, 1940, ch. 454, 54 Stat. 695.
- Rogue River National Forest—Acts June 4, 1936, ch. 494, 49 Stat. 1460; July 27, 1937, ch. 524, 50 Stat. 534.
- Roosevelt National Forest—Pub. L. 85-567, July 28, 1958, 72 Stat. 426.
- Salmon National Forest—Act June 5, 1942, ch. 342, §2, 56 Stat. 320.
- San Juan National Forest—Act June 29, 1940, ch. 454, 54 Stat. 695.
- Santa Fe National Forest—Acts Apr. 21, 1926, ch. 167, 44 Stat. 303; Apr. 16, 1928, ch. 378, 45 Stat. 431; Oct. 9, 1972, Pub. L. 92-474, 86 Stat. 790.
- Santiam National Forest—Act Feb. 28, 1925, ch. 373, 43 Stat. 1080.
- Sawtooth National Forest—Act Apr. 10, 1928, ch. 339, 45 Stat. 415.
- Sequoia National Forest—Acts July 3, 1926, ch. 744, 44 Stat. 818; Dec. 9, 1942, ch. 712, 56 Stat. 1044.
- Sevier National Forest—Acts July 3, 1916, ch. 212, 39 Stat. 340; Jan. 7, 1921, ch. 14, 41 Stat. 1087.
- Shasta and Klamath National Forests—Act June 22, 1938, ch. 565, 52 Stat. 836.
- Shasta National Forest—Acts Feb. 20, 1925, ch. 272, 43 Stat. 954; June 22, 1938, chs. 564, 565, 52 Stat. 835, 836; Mar. 19, 1948, ch. 139, 62 Stat. 83, eff. July 1, 1948; July 28, 1958, Pub. L. 85-565, 72 Stat. 425.
- Shoshone National Forest—Acts Dec. 20, 1921, ch. 10, 42 Stat. 350; Mar. 4, 1927, ch. 494, 44 Stat. 1412.
- Sierra National Forest—Acts June 11, 1906, Res. No. 27, 34 Stat. 832; Apr. 16, 1914, ch. 58, 38 Stat. 345; May 13, 1914, ch. 88, 38 Stat. 376; June 5, 1920, ch. 242, 41 Stat. 980.
- Siskiyou National Forest—Acts Sept. 22, 1922, ch. 407, 42 Stat. 1019; June 13, 1935, ch. 222, 49 Stat. 338.
- Siuslaw National Forest—Acts Feb. 11, 1920, ch. 69, 41 Stat. 405; June 30, 1932, ch. 328, 47 Stat. 451; Jan. 17, 1940, ch. 2, 54 Stat. 14; Nov. 25, 1940, ch. 915, 54 Stat. 1210; Mar. 23, 1972, Pub. L. 92-260, §6, 86 Stat. 100.
- Snoqualmie National Forest—Acts Sept. 22, 1922, ch. 424, 42 Stat. 1036; Feb. 28, 1925, ch. 369, 43 Stat. 1074; Aug. 21, 1937, ch. 727, 50 Stat. 739.
- Stanislaus National Forest—Acts Apr. 16, 1914, ch. 58, 38 Stat. 345; Feb. 20, 1925, ch. 272, 43 Stat. 954.
- Tahoe National Forest—Acts Apr. 11, 1922, ch. 129, 42 Stat. 493; Feb. 20, 1925, ch. 272, 43 Stat. 954; Feb. 12, 1938, ch. 27, §§1-4, 52 Stat. 28; June 22, 1938, ch. 566, 52 Stat. 838.
- Targhee National Forest—Acts Mar. 1, 1921, ch. 98, 41 Stat. 1198; June 5, 1942, ch. 342, §2, 56 Stat. 320.
- Teton National Forest—Acts Aug. 16, 1916, ch. 345, 39 Stat. 515; Dec. 31, 1974, Pub. L. 93-564, 88 Stat. 1843.
- Tierra Amarillo Grant adjacent to Rio Grande or San Juan National Forests—Act June 29, 1940, ch. 454, 54 Stat. 695.
- Trinity National Forest—Act June 20, 1938, ch. 533, 52 Stat. 797.
- Umatilla National Forest—Acts Mar. 4, 1925, ch. 538, 43 Stat. 1279; June 19, 1936, ch. 603, 49 Stat. 1534; June 17, 1940, ch. 392, 54 Stat. 402; Oct. 9, 1980, Pub. L. 96-406, 94 Stat. 1715.
- Wallowa National Forest—Acts Mar. 4, 1925, ch. 538, 43 Stat. 1279; Oct. 9, 1980, Pub. L. 96-406, §§1, 2, 94 Stat. 1715.
- Washakie National Forest—Acts June 14, 1926, ch. 579, 44 Stat. 742; Mar. 4, 1931, ch. 501, 46 Stat. 1521.
- Weiser National Forest—Act Mar. 1, 1921, ch. 92, 41 Stat. 1194.
- Wenatchee National Forest—Acts Sept. 22, 1922, ch. 424, 42 Stat. 1036; Aug. 11, 1939, ch. 697, 53 Stat. 1412.

Whitman National Forest—Acts Sept. 8, 1916, ch. 476, 39 Stat. 852; Mar. 4, 1925, chs. 538, 541, 43 Stat. 1279, 1282; June 19, 1936, ch. 603, 49 Stat. 1534; June 17, 1940, ch. 392, 54 Stat. 402.

Willamette National Forest—Act June 13, 1935, ch. 221, 49 Stat. 338.

Wyoming National Forest—Acts Aug. 16, 1916, ch. 345, § 2, 39 Stat. 516; Feb. 25, 1919, ch. 20, 40 Stat. 1152.

§ 487. Cutting timber on land added to Siskiyou National Forest

The Secretary of Agriculture is authorized, in his discretion, to sell the merchantable timber on the land added to the Siskiyou National Forest by section 1 hereof, in accordance with the regulations governing the sale of public timber in the national forests, and the entire proceeds of any sale of the timber on such land shall be deposited in the Treasury of the United States in a special fund designated as "The Oregon and California land-grant fund", referred to in the Act of Congress approved June 9, 1916, chapter 137, section 10, Thirty-ninth Statutes, page 222, and be disposed of in the manner therein designated, the land added forming part of the area which revested in the United States under the provisions of the said Act.

(Sept. 22, 1922, ch. 407, § 2, 42 Stat. 1019.)

REFERENCES IN TEXT

Section 1 hereof, referred to in text, means section 1 of act Sept. 22, 1922, ch. 407, 42 Stat. 1019, which related to exchanges of lands in or adjacent to Siskiyou National Forest and was not classified to the Code. See Codification note set out under sections 486a to 486w of this title.

Act of Congress approved June 9, 1916, referred to in text, was not classified to the Code.

§ 487a. Cutting timber on lands added to Rogue River National Forest

When the Secretary of Agriculture finds that merchantable timber may be cut without detriment to the purity or depletion of the water supply from lands added to the Rogue River National Forest by Act of June 4, 1936, chapter 494, section 1, 49 Stat. 1460, title to which has been revested in the United States under the Act of Congress approved June 9, 1916 (39 Stat. 218), said Secretary is authorized to dispose of such merchantable timber on such lands in accordance with the rules and regulations of the Secretary of Agriculture for the national forests and the entire proceeds of any such sale shall be deposited in the Treasury of the United States in a special fund designated "The Oregon and California Land Grant Fund", referred to in section 10 of the said Act of June 9, 1916, and be disposed of in the manner therein designated.

(June 4, 1936, ch. 494, § 2, 49 Stat. 1461.)

REFERENCES IN TEXT

Act of June 4, 1936, chapter 494, section 1, 49 Stat. 1460, referred to in text, related to exchanges of lands in or adjacent to Rogue River National Forest and was not classified to the Code. See Codification note set out under sections 486a to 486w of this title.

Act of Congress approved June 9, 1916, referred to in text, was not classified to the Code.

§ 488. Establishment of exterior boundaries of national forests

On and after Mar. 3, 1899, all standard, meander, township, and section lines of the public-

land surveys shall be established under the direction and supervision of the Secretary of the Interior or such officer as he may designate, whether the lands to be surveyed are within or without national forests, except that where the exterior boundaries of national forests are required to be coincident with standard, township, or section lines, such boundaries may, if not previously established in the ordinary course of the public-land surveys, be established and marked under the supervision of the Director of the United States Geological Survey whenever necessary to complete the survey of such exterior boundaries.

(Mar. 3, 1899, ch. 424, § 1, 30 Stat. 1097; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

"National forests" substituted in text for "reservations" and "public forest reservations" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

CHANGE OF NAME

"Secretary of the Interior or such officer as he may designate" substituted in text for "Commissioner of the General Land Office" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 489. Repealed. Pub. L. 87-869, § 5, Oct. 23, 1962, 76 Stat. 1157

Section, act Aug. 10, 1912, ch. 284, 37 Stat. 287, related to sale of mature, dead, and down timber.

§ 490. Deposits from timber purchasers to defray cost of disposing of debris

Purchasers of national-forest timber may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is appropriated and shall remain available until expended: *Provided*, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest-reserve fund, to be credited to the receipts of the year in which such transfer is made.

(Aug. 11, 1916, ch. 313, 39 Stat. 462; Apr. 24, 1950, ch. 97, § 6, 64 Stat. 84.)

AMENDMENTS

1950—Act Apr. 24, 1950, covered excess deposits into miscellaneous receipts instead of returning them to the depositors as was formerly the practice.

§ 491. Omitted

CODIFICATION

Section, act May 11, 1926, ch. 286, 44 Stat. 512, which authorized Secretary of Agriculture to permit expor-

tation of timber and other products from State or Territory when cut or removed from national forests situated therein, was from Department of Agriculture Appropriation Act, 1927, and was not repeated in subsequent appropriations. See section 616 of this title. Similar provisions were contained in the following prior appropriation acts:

Feb. 10, 1925, ch. 200, 43 Stat. 834.
 June 5, 1924, ch. 266, 43 Stat. 443.
 Feb. 26, 1923, ch. 119, 42 Stat. 1302.
 May 11, 1922, ch. 185, 42 Stat. 519.
 Mar. 3, 1921, ch. 127, 41 Stat. 1326.
 May 31, 1920, ch. 217, 41 Stat. 706.
 July 24, 1919, ch. 26, 41 Stat. 248.
 Oct. 1, 1918, ch. 178, 40 Stat. 985.
 Mar. 4, 1917, ch. 179, 39 Stat. 1145.

§ 492. Earth, stone, and timber for Departments of the Army and Navy, and Government works in Alaska

On and after March 4, 1915 the Secretary of Agriculture, under regulations to be prescribed by him, is authorized to permit the Navy Department to take from the national forests such earth, stone, and timber for the use of the Navy as may be compatible with the administration of the national forests for the purposes for which they are established, and also in the same manner to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways and other Government works in Alaska. He is authorized also to permit the Department of the Army to take earth, stone, and timber from the national forests for use in the construction of river and harbor and other works in charge of that department, subject to such regulations and restrictions as he may prescribe.

(Mar. 4, 1915, ch. 144, 38 Stat. 1100; Mar. 3, 1925, ch. 467, §13, 43 Stat. 1197; May 29, 1928, ch. 901, §1(98), 45 Stat. 993; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

The first sentence of this section is from act Mar. 4, 1915, and the last sentence is from act Mar. 3, 1925.

AMENDMENTS

1928—Act May 29, 1928, struck out provision which required the Secretary of Agriculture to submit with his annual estimates a report of the quantity and market value of earth, stone, and timber furnished.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

§ 493. Omitted

CODIFICATION

Section, act May 11, 1926, ch. 286, 44 Stat. 514, which authorized the Secretary of Agriculture to furnish young trees free from the Nebraska National Forest to homestead settlers, was from the Department of Agriculture Appropriation Act, 1927, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Feb. 10, 1925, ch. 200, 43 Stat. 835.
 June 5, 1924, ch. 266, 43 Stat. 445.
 Feb. 26, 1923, ch. 119, 42 Stat. 1304.
 May 11, 1922, ch. 185, 42 Stat. 520.

The Nebraska National Forest, Niobrara division, was redesignated the Samuel R. McKelvie National Forest by Pub. L. 92-142, Oct. 15, 1971, 85 Stat. 393.

§ 494. Calaveras Bigtree National Forest

The Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as *Sequoia washingtoniana*, is empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township 4 north, range 15 east, Mount Diablo meridian, the northeast quarter of section 1; in township 4 north, range 16 east, Mount Diablo meridian, the north half of section 6; in township 5 north, range 15 east, Mount Diablo meridian, the southwest quarter of section 14, south half of section 15, north half of section 22, northwest quarter of section 23, and southeast quarter of section 36, and in township 5 north, range 16 east, Mount Diablo meridian, the west half of section 28, the east half and southwest quarter of section 29, the southeast quarter of section 30, all of sections 31, 32, and the northwest quarter of section 33. And such area or areas, as fast as complete title is acquired, shall be permanently held by the United States and shall be known as the Calaveras Bigtree National Forest and shall be administered, and protected, by the Secretary of Agriculture from the funds appropriated for the administration of National Forest land to prolong the existence, growth, and promote the reproduction of said big trees. The owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forest by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in one or both of the following ways: (1) They may be given the right to file with the Secretary of the Interior, within sixty days after such conveyance, selections of surveyed, unappropriated, nonmineral public lands or of nonmineral national forest lands, and if the lands so selected shall be found subject to selection and of the actual value in lands and stumpage substantially equal to that of the lands and stumpage conveyed they may be patented to said owners in lieu of the conveyed lands. In any case where any part of the lands selected is national forest land, the approval of the Secretary of Agriculture shall first be secured with respect to such part, or (2) the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest land an amount of timber and wood substantially equal to the amount of timber and wood on the land acquired by the United States under the provisions of this section.

(Feb. 18, 1909, ch. 143, 35 Stat. 626; May 7, 1912, ch. 105, §1, 37 Stat. 108.)

CODIFICATION

A proviso of the section as originally enacted "That nothing contained in this Act shall warrant an appro-

priation from the Treasury to carry out the terms of this Act.” was superseded by the appropriation of a sum for the purposes of the Act by section 2 of act May 7, 1912.

AMENDMENTS

1912—Act May 7, 1912, changed provisions of original act as to modes of reimbursement of owners of lands taken.

TRANSFER OF LANDS IN CALAVERAS BIG TREES NATIONAL FOREST TO STATE OF CALIFORNIA

Pub. L. 101-436, Oct. 17, 1990, 104 Stat. 993, provided that:

“SECTION 1. FINDINGS AND PURPOSE.

“(a) FINDINGS.—The Congress finds and declares that—

“(1) in order to protect certain outstanding examples of ponderosa pine, sugar pine, and giant sequoia trees located in the North and South Calaveras Groves, on the western slope of the Sierra Nevada Mountains, the State of California has established the Calaveras Big Trees State Park;

“(2) for similar purposes, the United States has designated certain adjacent Federal lands, amounting to approximately 379 acres, as the Calaveras Big Trees National Forest; and

“(3) this National Forest (managed as part of the Stanislaus National Forest) is the smallest National Forest in the United States and could be more appropriately and efficiently managed as part of the Calaveras Big Trees State Park.

“(b) PURPOSE.—The purpose of this Act is to improve the management of the lands located in the Calaveras Big Trees National Forest, and to protect certain examples of ponderosa pine, sugar pine, and giant sequoia trees, by unifying the management of the lands in such National Forest and in the California Calaveras Big Trees State Park.

“SEC. 2. LAND CONVEYANCE.

“(a) CONVEYANCE.—Subject to valid existing rights and the provisions of this Act, the Secretary of Agriculture (hereinafter in this Act referred to as the ‘Secretary’) is authorized and directed to convey all right, title, and interest of the United States in and to lands and interests therein within the Calaveras Big Trees National Forest, as generally depicted on a map numbered 20435 and dated June 5, 1989, prepared by the California Department of Parks and Recreation, to the State of California for inclusion within the Calaveras Big Trees State Park.

“(b) MAP AND DESCRIPTION.—As soon as practicable after the enactment of this Act [Oct. 17, 1990], the Secretary shall submit a map and legal description of the lands referred to in subsection (a) to the Committee on Interior and Insular Affairs [now Committee on Natural Resources] of the United States House of Representatives, and the Committee on Energy and Natural Resources of the Senate. Such map and legal description shall have the same force and effect as if included in this Act, except that any clerical or typographical errors in such map or legal description may be corrected. The Secretary shall place such map and legal description on file, and make them available for public inspection, in the Office of the Chief of the Forest Service.

“(c) CONDITIONS OF CONVEYANCE.—Conveyance of the lands and interests described in subsection (a) of this section shall be subject to the following conditions:

“(1) The conveyance shall take place only if within two years after the date of enactment of this Act [Oct. 17, 1990], there is concluded an agreement between the State of California and the Secretary whereby the State of California agrees to provide to the United States, in exchange for the lands described in subsection (a) and pursuant to terms and conditions which the Secretary finds acceptable, consideration of approximately equal value. Such consideration shall include either lands in California that the

Secretary finds suitable for addition to, and are contiguous to, one or more units of the National Forest System, cash payment, or monetary grants awarded to the United States after June 1, 1990, or any combination thereof.

“(2) No harvest of timber (except as may be necessary for the control of fire, insects, or disease) and no mining, mineral leasing, or geothermal exploration or development shall be permitted on such lands;

“(3) Any action by the State of California to convey any portion of such lands or interests to any entity other than the United States shall be void ab initio and shall result in the reversion to the United States of all right, title, and interest in such lands;

“(4) Any action by the State of California to permit the use of any portion of such lands for any purpose prohibited by this subsection or any purpose incompatible with the continued ability of such lands to support ponderosa pine, sugar pine, or giant sequoia trees, shall result in the reversion of all right, title, and interest in such lands to the United States. Any such lands which revert to the United States shall be incorporated into the Stanislaus National Forest and managed to preserve and protect the stands of ponderosa pine, sugar pine, and giant sequoia trees located on such lands.

“(5) The Secretary, acting through the Forest Service, shall be afforded by appropriate officials of the State of California reasonable opportunities to collect seeds from trees located on such lands for scientific or silvicultural purposes.

“(6) The Secretary, upon prior notification to the State of California, shall be entitled at any time to enter upon such lands for the purpose of monitoring the management of such lands and the compliance of the State of California with the provisions of this subsection.

“(7) The conveyance shall be subject to the following reservations or exceptions:

“(A) existing ditches and canals as authorized by the Act of August 30, 1890 (43 U.S.C. 945); and

“(B) any existing rights-of-way to provide the United States and its assigns access to federally owned lands.

“(d) ENFORCEMENT.—Upon the request of the Secretary, the Attorney General shall bring any action or take any other steps necessary to enforce the provisions of subsection (c) of this section.

“(e) TIMING, VALUE, AND STATUS.—(1) Conveyance of lands to the State of California pursuant to this Act shall occur when the agreement described in paragraph (1) of subsection (c) has been reached. The restrictions and conditions specified in paragraphs (2), (3), (4), (5), (6), and (7) of subsection (c) shall be included in the instruments of conveyance of lands to the State of California.

“(2) Effective upon the conveyance to the State of California of lands described in subsection (a) of this section, or two years after the date of enactment of this Act [Oct. 17, 1990], whichever is sooner, the National Forest designation of such lands shall terminate. Any such lands not conveyed to the State of California shall thereupon be incorporated into the Stanislaus National Forest and managed to preserve and protect the stands of ponderosa pine, sugar pine, and giant sequoia trees located on such lands.

“(3) Any lands conveyed to the United States pursuant to this Act shall be deemed national forest lands and managed according to the laws governing the management of the National Forest System. If any such lands are outside existing boundaries of one or more National Forests, the Secretary shall modify such boundaries as he deems appropriate to include such lands.

“(4) Values of the respective lands exchanged between the United States and the State of California pursuant to this Act shall be of ‘approximately equal value’ as that term is defined by regulations implementing the Act of January 12, 1983, known as the Small Tracts Act (16 U.S.C. 521c-521i).”

§ 495. Leases of lands for sanitariums or hotels

The Secretary of Agriculture is authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any national forest established within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of Agriculture is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this section.

(Feb. 28, 1899, ch. 221, §1, 30 Stat. 908; Feb. 1, 1905, ch. 288, §1, 33 Stat. 628.)

CODIFICATION

“National forest” substituted in text for “forest reserves” on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905 transferred certain functions with regard to administration of national forests from Secretary of the Interior to Secretary of Agriculture.

§ 496. Disposition of funds

All funds arising from the privileges granted under section 495 of this title shall be covered into the Treasury of the United States as provided by law.

(Feb. 28, 1899, ch. 221, §2, 30 Stat. 908; Mar. 4, 1907, ch. 2907, 34 Stat. 1270.)

CODIFICATION

As enacted by act Feb. 28, 1899, section provided that the funds be “covered into the Treasury of the United States as a special fund, to be expended in the care of public forest reservations”.

Section was affected by act Mar. 4, 1907, which provides that all revenue from the national forests shall be covered into the Treasury as a miscellaneous receipt.

§ 497. Use and occupation of lands for hotels, resorts, summer homes, stores, and facilities for industrial, commercial, educational or public uses

The Secretary of Agriculture is authorized, under such regulations as he may make and upon such terms and conditions as he may deem proper, (a) to permit the use and occupancy of suitable areas of land within the national forests, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining hotels, resorts, and any other structures or facilities necessary or desirable for recreation, public convenience, or safety; (b) to permit the use and occupancy of

suitable areas of land within the national forests, not exceeding five acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining summer homes and stores; (c) to permit the use and occupancy of suitable areas of land within the national forest, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining buildings, structures, and facilities for industrial or commercial purposes whenever such use is related to or consistent with other uses on the national forests; (d) to permit any State or political subdivision thereof, or any public or nonprofit agency, to use and occupy suitable areas of land within the national forests not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining any buildings, structures, or facilities necessary or desirable for education or for any public use or in connection with any public activity. The authority provided by this section shall be exercised in such manner as not to preclude the general public from full enjoyment of the natural, scenic, recreational, and other aspects of the national forests.

(Mar. 4, 1915, ch. 144, 38 Stat. 1101; July 28, 1956, ch. 771, 70 Stat. 708.)

AMENDMENTS

1956—Act July 28, 1956, increased maximum area of land for each purpose for which permits may be granted from not more than 5 acres to not more than 80 acres, and authorized permits for facilities for public safety, for buildings, structures, and facilities for industrial or commercial purposes whenever such purposes are related to or consistent with other use of the national forests, and for facilities to be used by public or nonprofit agencies for education or public use or in connection with any public activity.

ENHANCING FOREST SERVICE ADMINISTRATION OF RIGHTS-OF-WAY AND LAND USES

Pub. L. 106–113, div. B, §1000(a)(3) [title III, §331], Nov. 29, 1999, 113 Stat. 1535, 1501A–196, as amended by 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, provided that:

“(a) 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 [now Committee on Natural 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.

“(b) DEPOSIT OF FEES.—Subject to subsections (a) and (f), during fiscal years 2000 through 2012, 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 28(l) of the Mineral Leasing Act (30 U.S.C.

185(l)), section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), section 9701 of title 31, United States Code, and section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h-2(g)).

“(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, United States Code, 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 collection of fees for processing of special use authorizations and for related monitoring activities.”

§ 497a. Occupancy and use under permit of lands in Alaska for various purposes; period of permit; size of allotment; prohibitions; termination

The Secretary of Agriculture, in conformity with regulations prescribed by him, may permit the use and occupancy of national-forest lands in Alaska for purposes of residence, recreation, public convenience, education, industry, agriculture, and commerce, not incompatible with the best use and management of the national forests, for such periods as may be warranted but not exceeding thirty years and of such areas as may be necessary but not exceeding eighty acres, and after such permits have been issued and so long as they continue in full force and effect the lands therein described shall not be subject to location, entry, or appropriation, under the public land laws or mining laws, or to disposition under the mineral leasing laws: *Provided*, That nothing contained in this section shall prevent the said Secretary from canceling, revoking, or otherwise terminating a permit so issued upon proof of a breach of its terms and conditions or for other just cause.

(Mar. 30, 1948, ch. 162, 62 Stat. 100.)

CODIFICATION

Section was formerly classified to section 341 of Title 48, Territories and Insular Possessions.

§ 497b. Ski area permits

(a) Law applicable to permits

The provisions of the Act of March 4, 1915 (16 U.S.C. 497) notwithstanding, the term and acreage of permits for the operation of ski areas and associated facilities on National Forest System lands shall on and after October 22, 1986, be governed by this section and other applicable law.

(b) Authority

The Secretary of Agriculture (hereinafter referred to as “the Secretary”) is authorized to issue permits (hereinafter referred to as “ski area permits”) for the use and occupancy of suitable lands within the National Forest System for skiing and other snow sports and recreational uses authorized by this section. A ski area permit—

(1) may be issued for a term not to exceed 40 years;

(2) shall ordinarily be issued for a term of 40 years (unless the Secretary determines that the facilities or operations are of a scale or nature as are not likely to require long-term financing or operation), or that there are public policy reasons specific to a particular permit for a shorter term;

(3) shall encompass such acreage as the Secretary determines sufficient and appropriate to accommodate the permittee’s needs for ski operations and appropriate ancillary facilities;

(4) may be renewed at the discretion of the Secretary;

(5) may be cancelled by the Secretary in whole or in part for any violation of the permit terms or conditions, for nonpayment of permit fees, or upon the determination by the Secretary in his planning for the uses of the national forests that the permitted area is needed for higher public purposes;

(6) may be modified from time to time by the Secretary to accommodate changes in plans or operations in accordance with the provisions of applicable law;

(7) shall be subject to such reasonable terms and conditions as the Secretary deems appropriate; and

(8) shall be subject to a permit fee based on fair market value in accordance with applicable law.

(c) Other recreational uses

(1) Authority of Secretary

Subject to the terms of a ski area permit issued pursuant to subsection (b), the Secretary may authorize a ski area permittee to provide such other seasonal or year-round natural resource-based recreational activities and associated facilities (in addition to skiing and other snow-sports) on National Forest System land subject to a ski area permit as the Secretary determines to be appropriate.

(2) Requirements

Each activity and facility authorized by the Secretary under paragraph (1) shall—

(A) encourage outdoor recreation and enjoyment of nature;

(B) to the extent practicable—

(i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located; and

(ii) be located within the developed portions of the ski area;

(C) be subject to such terms and conditions as the Secretary determines to be appropriate; and

(D) be authorized in accordance with—

(i) the applicable land and resource management plan; and

(ii) applicable laws (including regulations).

(3) Inclusions

Activities and facilities that may, in appropriate circumstances, be authorized under paragraph (1) include—

- (A) zip lines;
- (B) mountain bike terrain parks and trails;
- (C) frisbee golf courses; and
- (D) ropes courses.

(4) Exclusions

Activities and facilities that are prohibited under paragraph (1) include—

- (A) tennis courts;
- (B) water slides and water parks;
- (C) swimming pools;
- (D) golf courses; and
- (E) amusement parks.

(5) Limitation

The Secretary may not authorize any activity or facility under paragraph (1) if the Secretary determines that the authorization of the activity or facility would result in the primary recreational purpose of the ski area permit to be a purpose other than skiing and other snow-sports.

(6) Boundary determination

In determining the acreage encompassed by a ski area permit under subsection (b)(3), the Secretary shall not consider the acreage necessary for activities and facilities authorized under paragraph (1).

(7) Effect on existing authorized activities and facilities

Nothing in this subsection affects any activity or facility authorized by a ski area permit in effect on November 7, 2011, during the term of the permit.

(d) Regulations

Not later than 2 years after November 7, 2011, the Secretary shall promulgate regulations to implement this section.

(e) Construction with Secretary's duties under other laws

Nothing in this section shall be deemed to amend, modify or otherwise affect the Secretary's duties under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), including his duties to involve the public in his decisionmaking and planning for the national forests.

(Pub. L. 99-522, §3, Oct. 22, 1986, 100 Stat. 3000; Pub. L. 112-46, §3, Nov. 7, 2011, 125 Stat. 538.)

REFERENCES IN TEXT

Act of March 4, 1915 (16 U.S.C. 497), referred to in subsec. (a), is act Mar. 4, 1915, ch. 144, 38 Stat. 1086. For complete classification of this Act to the Code, see Tables.

This section, referred to in subsecs. (a), (b), and (e), was in the original "this Act", meaning Pub. L. 99-522, Oct. 22, 1986, 100 Stat. 3000, known as the National Forest Ski Area Permit Act of 1986, which enacted this section and notes set out under this section. For complete classification of this Act to the Code, see Short Title note below and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (e), 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.

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in subsec. (e), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, which is classified generally to subchapter I (§1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

AMENDMENTS

2011—Subsec. (a). Pub. L. 112-46, §3(1), substituted "ski areas and associated facilities" for "nordic and alpine ski areas and facilities".

Subsec. (b). Pub. L. 112-46, §3(2), substituted "skiing and other snow sports and recreational uses authorized by this section" for "nordic and alpine skiing operations and purposes" in introductory provisions.

Subsec. (c). Pub. L. 112-46, §3(4), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 112-46, §3(5), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: "Within one year after October 22, 1986, the Secretary shall promulgate rules and regulations to implement the provisions of this section, and shall, to the extent practicable and with the consent of existing permit holders, convert all existing ski area permits or leases on National Forest System lands into ski area permits which conform to the provisions of this section within 3 years of October 22, 1986."

Pub. L. 112-46, §3(3), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 112-46, §3(6), substituted "the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)" for "the National Environmental Policy Act, or the Forest and Rangelands Renewable Resources Planning Act as amended by the National Forest Management Act".

Pub. L. 112-46, §3(3), redesignated subsec. (d) as (e).

SHORT TITLE OF 2011 AMENDMENT

Pub. L. 112-46, §1, Nov. 7, 2011, 125 Stat. 538, provided that: "This Act [amending this section and enacting provisions set out as notes under this section] may be cited as the 'Ski Area Recreational Opportunity Enhancement Act of 2011'."

SHORT TITLE

Section 1 of Pub. L. 99-522 provided that: "This Act [enacting this section and provisions set out as a note below] may be cited as the 'National Forest Ski Area Permit Act of 1986'."

EFFECT

Pub. L. 112-46, §4, Nov. 7, 2011, 125 Stat. 540, provided that: "Nothing in the amendments made by this Act [amending this section] establishes a legal preference for the holder of a ski area permit to provide activities and associated facilities authorized by section 3(c) of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b(c)) (as amended by section 3)."

PURPOSES

Pub. L. 112-46, §2, Nov. 7, 2011, 125 Stat. 538, provided that: "The purpose of this Act [see Short Title of 2011 Amendment note above] is to amend the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

"(1) to enable snow-sports (other than nordic and alpine skiing) to be permitted on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b); and

“(2) to clarify the authority of the Secretary of Agriculture to permit appropriate additional seasonal or year-round recreational activities and facilities on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).”

Section 2 of Pub. L. 99-522 provided that: “The purposes of this Act [see Short Title note above] are to—

“(a) provide a unified and modern permitting process for nordic and alpine ski areas on national forest lands;

“(b) provide for ski area permits which more closely reflect the acreage and other physical requirements of modern ski area development; and

“(c) provide a permit system which will be more commensurate with the long-term construction, financing, and operation needs of ski areas on national forest lands.”

§ 497c. Ski area permit rental charge

(a) In general

The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), or the 9th through 20th paragraphs under the heading “SURVEYING THE PUBLIC LANDS” under the heading “UNDER THE DEPARTMENT OF THE INTERIOR” in the Act of June 4, 1897 (30 Stat. 34, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Ski Area Permit Act of 1986 shall be calculated as set forth in subsection (b) of this section. Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, shall be calculated in accordance with those existing permits: *Provided*, That a permittee may, at the permittee's option, use the calculation method set forth in subsection (b) of this section.

(b) Formula

(1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. The final rental charge shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(A) 1.5 percent of all adjusted gross revenue below \$3,000,000;

(B) 2.5 percent for adjusted gross revenue between \$3,000,000 and \$15,000,000;

(C) 2.75 percent for adjusted gross revenue between \$15,000,000 and \$50,000,000; and

(D) 4.0 percent for the amount of adjusted gross revenue that exceeds \$50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

$$\text{SAPF} = ((\text{LT} + \text{SS}) \times \text{STFP}) + \text{GRAF} = \text{AGR};$$

$$\text{AGR} \times \% \text{ BRACKETS}$$

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in this subsection shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from Nordic ski operations shall be included or excluded from the rental charge calculation according to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and the ski area permittees, the adjusted gross revenue figures for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 3 years after November 12, 1996, and every 5 years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge required by this section is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

(c) Payment

The rental charge set forth in subsection (b) of this section shall be due on June 1 of each year and shall be paid or prepaid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to November 12, 1996. To reduce costs to the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual rental charge calculation brackets and rates) to be used for rental charge calculation and submitted with the rental charge payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, United States Forest Service.

(d) Effective date

The ski area permit rental charge set forth in this section shall become effective on June 1, 1996 and cover receipts retroactive to June 1, 1995: *Provided*, That if a permittee has paid rental charges for the period June 1, 1995, to June 1, 1996, under the graduated rate rental charge system formula in effect prior to November 12, 1996, such rental charges shall be credited toward the new rental charge due on June 1, 1996. In order to ensure increasing rental charge receipt levels to the United States during transition from the graduated rate rental charge system formula to the formula of this section, the rental charge paid by any individual permittee shall be—

(1) for the 1995-1996 permit year, either the rental charge paid for the preceding 1994-1995 base year or the rental charge calculated pursuant to this section, whichever is higher;

(2) for the 1996–1997 permit year, either the rental charge paid for the 1994–1995 base year or the rental charge calculated pursuant to this section, whichever is higher; and

(3) for the 1997–1998 permit year, either the rental charge for the 1994–1995 base year or the rental charge calculated pursuant to this section, whichever is higher.

If an individual permittee's adjusted gross revenue for the 1995–1996, 1996–1997, or 1997–1998 permit years falls more than 10 percent below the adjusted gross revenue for the 1994–1995 base year, the rental charge paid shall be the rental charge calculated pursuant to this section.

(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) of this section, 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) of this section 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) of this section, 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 subsecs. (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 subsecs. (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 subsecs. (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 subsec. (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: "Notwithstanding 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."

§ 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 from any appropriation of the Forest Service that is available for similar work if a written agreement so provides and reimbursement will be provided by a cooperator in the same fiscal year as the expenditure by the Forest Service. A reimbursement received from a cooperator that covers the proportionate share of the cooperator of the cost of the work shall be deposited to the credit of the appropriation of the Forest Service from which the payment was initially made or, if the appropriation is no longer available, to the credit of an appropriation of the Forest Service that is available for similar work. The Secretary of Agriculture shall establish written rules that establish criteria to be used to determine whether the acceptance of contributions of money under this section would adversely affect the ability of an officer or employee of the Department of Agriculture to carry out a duty or program of the officer or employee in a fair and objective manner or would compromise, or appear to compromise, the integrity of the pro-

gram, officer, or employee. The Secretary of Agriculture shall establish written rules that protect the interests of the Forest Service in cooperative work agreements.

(June 30, 1914, ch. 131, 38 Stat. 430; May 29, 1928, ch. 901, §1(99), 45 Stat. 993; Pub. L. 104-127, title III, §372, Apr. 4, 1996, 110 Stat. 1015.)

AMENDMENTS

1996—Pub. L. 104-127 substituted "the protection, management, and improvement of the National Forest System" for "the protection and improvement of the national forests", inserted "management," after "protection," in two places, and inserted at end "Payment for work undertaken pursuant to this section may be made from any appropriation of the Forest Service that is available for similar work if a written agreement so provides and reimbursement will be provided by a cooperator in the same fiscal year as the expenditure by the Forest Service. A reimbursement received from a cooperator that covers the proportionate share of the cooperator of the cost of the work shall be deposited to the credit of the appropriation of the Forest Service from which the payment was initially made or, if the appropriation is no longer available, to the credit of an appropriation of the Forest Service that is available for similar work. The Secretary of Agriculture shall establish written rules that establish criteria to be used to determine whether the acceptance of contributions of money under this section would adversely affect the ability of an officer or employee of the Department of Agriculture to carry out a duty or program of the officer or employee in a fair and objective manner or would compromise, or appear to compromise, the integrity of the program, officer, or employee. The Secretary of Agriculture shall establish written rules that protect the interests of the Forest Service in cooperative work agreements."

1928—Act May 29, 1928, struck out provision which required that annual reports be made to Congress of moneys received as contributions for cooperative work.

§ 499. Disposal of money received by or on account of Forest Service; refund of excess and moneys erroneously collected; receipts from permits

All money received by or on account of the Forest Service for timber, or from any other source of national-forest revenue, including moneys received from sale of products from or for the use of lands in national forests created under section 471(b)¹ of this title, and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title, shall be covered into the Treasury of the United States as a miscellaneous receipt and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States and also so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from

¹ See References in Text note below.

lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1270; Mar. 4, 1911, ch. 238, 36 Stat. 1253; Mar. 4, 1917, ch. 179, 39 Stat. 1149; June 7, 1924, ch. 348, § 9, 43 Stat. 655; May 29, 1928, ch. 901, § 1(97), 45 Stat. 993.)

REFERENCES IN TEXT

Section 471(b) of this title, referred to in text, was repealed by section 704(a) of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2792. For further details, see Codification note below.

CODIFICATION

Section is a combination provision the basis for which is Act Mar. 4, 1907, which superseded previous provisions relating to the disposal of money received from sale of products or use of any land or resources of the forest reserves, contained in Act Feb. 1, 1905, ch. 288, § 5, 33 Stat. 628.

Act Mar. 4, 1911, is the source of the last portion of the section beginning with the words, "and also so much as may be necessary," etc. That Act provides that so much of the former Act "which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much;".

The words of this section reading, "including moneys received from sale of products from or use of lands in national forests created under section 471(b) of this title" were derived from the fourth sentence of section 9 of Act of June 7, 1924, which reads as follows: "All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law." Section 471(b) of this title, referred to in text, was based on the first and fifth sentences of section 9 of the 1924 act, and was repealed by section 704(a) of Pub. L. 94-579. Section 505 of this title is based on the second and third sentences of section 9 of the 1924 act.

The words "and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title," are from a provision of Act Mar. 4, 1917, which reads, "Hereafter, all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said Act [Act Mar. 1, 1911, ch. 186, 36 Stat. 961] or any Amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests."

AMENDMENTS

1928—Act May 29, 1928, struck out provision which required the Secretary of Agriculture to make an annual report to Congress of the amounts refunded under this section.

§ 500. Payment and evaluation of receipts to State or Territory for schools and roads; moneys received; projections of revenues and estimated payments

On and after May 23, 1908, an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State or Territory in which such national forest

is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or Territory or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber. Beginning October 1, 1976, the term "moneys received" shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

(May 23, 1908, ch. 192, 35 Stat. 260; Mar. 1, 1911, ch. 186, § 13, 36 Stat. 963; June 30, 1914, ch. 131, 38 Stat. 441; Sept. 21, 1944, ch. 412, title II, § 212, 58 Stat. 737; Apr. 24, 1950, ch. 97, § 17(b), 64 Stat. 87; Pub. L. 94-588, § 16, Oct. 22, 1976, 90 Stat. 2961; Pub. L. 110-343, div. C, title VI, § 601(b), Oct. 3, 2008, 122 Stat. 3910.)

REFERENCES IN TEXT

Act of June 9, 1930, referred to in text, is act June 9, 1930, ch. 416, 46 Stat. 527, as amended, popularly known as the Knutson-Vandenberg Act, which is classified generally to sections 576, 576a, and 576b of this title. For complete classification of this Act to the Code, see Short Title note set out under section 576 of this title and Tables.

Act of May 23, 1908, referred to in text, is act May 23, 1908, ch. 192, 35 Stat. 251, as amended. A portion of that act appearing at 35 Stat. 260 is classified to this section. For complete classification of this Act to the Code, see Tables.

CODIFICATION

"National forest" substituted in text for "forest reserve" the first, third and fourth time appearing, and for "reserve" the second time appearing, and "forest" substituted for "reserve", on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

Section is a combination of acts May 23, 1908, as amended, and Mar. 1, 1911, as amended.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

June 28, 1944, ch. 296, 58 Stat. 444.
July 12, 1943, ch. 215, 57 Stat. 412.
July 22, 1942, ch. 516, 56 Stat. 680.
July 1, 1941, ch. 267, 55 Stat. 423.

AMENDMENTS

2008—Pub. L. 110-343, which directed substitution of "an amount equal to the annual average of 25 percent

of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid” for “twenty-five per centum” and all that follows through “shall be paid” in provisions of both acts May 23, 1908, and Mar. 1, 1911, on which this section is based, was executed by making the substitution for “twenty-five per centum of all moneys received during any fiscal year from each national forest shall be paid”, to reflect the probable intent of Congress.

1976—Pub. L. 94-588 inserted provision that beginning Oct. 1, 1976, the term “moneys received” would include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract, and that the Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

1950—Act Apr. 24, 1950, struck out second proviso relating to limitation paid county.

1944—Act Sept. 21, 1944, inserted sentence relating to stumpage value of the timber.

1914—Act June 30, 1914, changed per centum to be paid to each State from five to twenty-five.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-393, §1(a), Oct. 30, 2000, 114 Stat. 1607, which provided that the Act could be cited as the “Secure Rural Schools and Community Self-Determination Act of 2000”, was repealed by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893. See section 1 of Pub. L. 106-393, set out as a Short Title note under section 7101 of this title.

SAVINGS PROVISION

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, not to be construed as affecting the distribution of livestock grazing revenues to local governments under this section, see section 701(j) of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION

Pub. L. 107-76, title VII, §751, Nov. 28, 2001, 115 Stat. 739, provided for the determination of the full payment amount for each eligible State and eligible county for fiscal years 2002 to 2006 under former section 102 of Pub. L. 106-393, formerly set out below.

Pub. L. 106-393, §§ 2, 3, Oct. 30, 2000, 114 Stat. 1608, 1609, which related to findings and purposes and provided definitions for Pub. L. 106-393, was repealed by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893. See sections 7101 and 7102 of this title.

Pub. L. 106-393, titles I-IV, Oct. 30, 2000, 114 Stat. 1611-1623, as amended by Pub. L. 110-28, title V, §5401(c), May 25, 2007, 121 Stat. 166; Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893, provided that:

[SECS. 101 to 403. Repealed. Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893. See sections 7111 to 7153 of this title.]

“SEC. 404. CONFORMING AMENDMENTS.”

[Repealed section 13982 of Pub. L. 103-66, which was set out as a note below, and section 13983 of Pub. L. 103-66, which was set out as a note under section 1181f of Title 43, Public Lands.]

ADVISORY COMMITTEE ON FOREST COUNTIES PAYMENTS

Pub. L. 106-291, title III, §320, Oct. 11, 2000, 114 Stat. 990, as amended by Pub. L. 108-319, §1, Oct. 5, 2004, 118 Stat. 1212, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ADVISORY COMMITTEE.—The term ‘Advisory Committee’ means the Forest Counties Payments Committee established by this section.

“(2) COMMITTEES OF JURISDICTION.—The term ‘committees of jurisdiction’ means the Committee on Agriculture, the Committee on Resources [now Committee on Natural Resources], and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate.

“(3) ELIGIBLE COUNTY.—The term ‘eligible county’ means a county that, for one or more of the fiscal years 1986 through 1999, received—

“(A) a payment under title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), or the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.); or

“(B) a portion of an eligible State’s payment, as described in paragraph (4).

“(4) ELIGIBLE STATE.—The term ‘eligible State’ means a State that, for one or more of the fiscal years 1986 through 1999, received a payment under the sixth paragraph under the heading of ‘FOREST SERVICE’ in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), or section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

“(5) FEDERAL LANDS.—The term ‘Federal lands’ means the following:

“(A) Lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010-1012).

“(B) Such portions of the Oregon and California Railroad grant lands revested in the United States by the Act of June 9, 1916 (chapter 137; 39 Stat. 218), and the Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919 (chapter 47; 40 Stat. 1179), as are or may hereafter come under the jurisdiction of the Secretary of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

“(6) SUSTAINABLE FORESTRY.—The term ‘sustainable forestry’ means the practice of meeting the forest resource needs and values of the present without compromising the similar capability of future generations.

“(b) ESTABLISHMENT OF ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT REQUIRED.—There is hereby established an advisory committee, to be known as the Forest Counties Payments Committee, to develop recommendations, consistent with sustainable forestry, regarding methods to ensure that States and counties in which Federal lands are situated receive adequate Federal payments to be used for the benefit of public education and other public purposes.

“(2) MEMBERS.—The Advisory Committee shall be composed of the following members:

“(A) The Chief of the Forest Service, or a designee of the Chief who has significant expertise in sustainable forestry.

“(B) The Director of the Bureau of Land Management, or a designee of the Director who has significant expertise in sustainable forestry.

“(C) The Director of the Office of Management and Budget, or the Director’s designee.

“(D) Two members who are elected members of the governing branches of eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member

to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the committees of jurisdiction of the House of Representatives) within 60 days of the date of the enactment of this Act [Oct. 11, 2000].

“(E) Two members who are elected members of school boards for, superintendents from, or teachers employed by, school districts in eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the committees of jurisdiction of the House of Representatives) within 60 days of the date of the enactment of this Act [Oct. 11, 2000].

“(3) GEOGRAPHIC REPRESENTATION.—In making appointments under subparagraphs (D) and (E) of paragraph (2), the President pro tempore of the Senate and the Speaker of the House of Representatives shall seek to ensure that the Advisory Committee members are selected from geographically diverse locations.

“(4) ORGANIZATION OF ADVISORY COMMITTEE.—

“(A) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be selected from among the members appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

“(B) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall be filled in the same manner as required by paragraph (2). A vacancy shall not impair the authority of the remaining members to perform the functions of the Advisory Committee under this section.

“(C) COMPENSATION.—The members of the Advisory Committee who are not officers or employees of the United States, while attending meetings or other events held by the Advisory Committee or at which the members serve as representatives of the Advisory Committee or while otherwise serving at the request of the Chairperson of the Advisory Committee, shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-15, as provided in the General Schedule, including traveltime, and while away from their homes or regular places of business, shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

“(5) STAFF AND RULES.—

“(A) EXECUTIVE DIRECTOR.—The Advisory Committee shall have an Executive Director, who shall be appointed by the Advisory Committee and serve at the pleasure of the Advisory Committee. The Executive Director shall report to the Advisory Committee and assume such duties as the Advisory Committee may assign. The Executive Director shall be paid at a rate not in excess of the maximum rate of pay for grade GS-15, as provided in the General Schedule.

“(B) OTHER STAFF.—In addition to authority to appoint personnel subject to the provisions of title 5, United States Code, governing appointments to the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the Advisory Committee shall have authority to enter into contracts with private or public organizations which may furnish the Advisory Committee with such administrative and technical personnel as may be necessary to carry out the functions of the Advisory Committee under this section. To the extent practicable, such administrative and technical personnel, and other necessary support services, shall

be provided for the Advisory Committee by the Chief of the Forest Service and the Director of the Bureau of Land Management.

“(C) COMMITTEE RULES.—The Advisory Committee may establish such procedural and administrative rules as are necessary for the performance of its functions under this section.

“(6) FEDERAL AGENCY COOPERATION.—The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Advisory Committee in the performance of its functions under this section and should furnish, as practicable, to the Advisory Committee information which the Advisory Committee deems necessary to carry out such functions.

“(C) FUNCTIONS OF ADVISORY COMMITTEE.—

“(1) DEVELOPMENT OF RECOMMENDATIONS.—

“(A) IN GENERAL.—The Advisory Committee shall develop recommendations for policy or legislative initiatives (or both) regarding alternatives for, or substitutes to, the payments required to be made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a) in order to provide a long-term method to generate annual payments to eligible States and eligible counties.

“(B) REPORTING REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act [Oct. 11, 2000], the Advisory Committee shall submit to the committees of jurisdiction a final report containing the recommendations developed under this subsection. The Advisory Committee shall submit semiannual progress reports on its activities and expenditures to the committees of jurisdiction until the final report has been submitted.

“(2) GUIDANCE FOR COMMITTEE.—In developing the recommendations required by paragraph (1), the Advisory Committee shall—

“(A) evaluate the method by which payments are made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a), and related laws, and the use of such payments;

“(B) consider the impact on eligible States and eligible counties of revenues derived from the historic multiple use of the Federal lands;

“(C) evaluate the economic, environmental, and social benefits which accrue to counties containing Federal lands, including recreation, natural resources industries, and the value of environmental services that result from Federal lands; and

“(D) evaluate the expenditures by counties on activities on Federal lands which are Federal responsibilities.

“(3) MONITORING AND RELATED REPORTING ACTIVITIES.—The Advisory Committee shall monitor the payments made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a), and related laws, and submit to the committees of jurisdiction an annual report describing the amounts and sources of such payments and containing such comments as the Advisory Committee may have regarding such payments.

“(4) TESTIMONY.—The Advisory Committee shall make itself available for testimony or comments on the reports required to be submitted by the Advisory Committee and on any legislation or regulations to implement any recommendations made in such reports in any congressional hearings or any rule-making or other administrative decision process.

“(d) FEDERAL ADVISORY COMMITTEE ACT REQUIREMENTS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

“(e) TERMINATION OF ADVISORY COMMITTEE.—The Advisory Committee shall terminate on September 30, 2007.

“(f) FUNDING SOURCE.—At the request of the Executive Director of the Advisory Committee, the Secretary

of Agriculture shall provide funds from any account available to the Secretary, not to exceed \$200,000 in fiscal year 2001, for the work of the Advisory Committee necessary to meet the requirements of this section.”

[Pub. L. 108-319, §1, Oct. 5, 2004, 118 Stat. 1212, provided that the amendment made by section 1 to section 320 of Pub. L. 106-291, set out above, is effective as of Oct. 11, 2003.]

SHARING OF FOREST SERVICE TIMBER SALE RECEIPTS

Pub. L. 103-66, title XIII, §13982, Aug. 10, 1993, 107 Stat. 681, as amended by Pub. L. 103-443, §1(a), Nov. 2, 1994, 108 Stat. 4631, which related to the amount of payments for each fiscal year from 1994 through 2003 that the Secretary of the Treasury was to make, in lieu of making the 25-percent payments to States, for the benefit of counties eligible to receive the 25-percent payments to States, was repealed by Pub. L. 106-393, title IV, §404, Oct. 30, 2000, 114 Stat. 1623.

DISTRIBUTION OF MONEYS RECEIVED FROM TIMBER SALVAGE SALES PROGRAM

Pub. L. 102-381, title II, Oct. 5, 1992, 106 Stat. 1401, provided: “That notwithstanding any other provision of law, moneys received from the timber salvage sales program in fiscal year 1993 and subsequent fiscal years shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.”

Similar provisions were contained in the following appropriations act:

Pub. L. 103-138, title II, Nov. 11, 1993, 107 Stat. 1402.

§ 501. Expenditures from receipts for roads and trails; cooperation with State authorities; evaluation of receipts

On or after Mar. 4, 1913, ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber.

(Mar. 4, 1913, ch. 145, §1 (part), 37 Stat. 843; Sept. 21, 1944, ch. 412, title II, §212, 58 Stat. 737.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

June 28, 1944, ch. 296, 58 Stat. 444.

July 12, 1943, ch. 215, 57 Stat. 412.

July 22, 1942, ch. 516, 56 Stat. 680.

July 1, 1941, ch. 267, 55 Stat. 423.

AMENDMENTS

1944—Act Sept. 21, 1944, inserted sentence relating to stumpage value of the timber.

SAVINGS PROVISION

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, not to be construed as affecting the distribution of livestock grazing revenues to local governments under this section, see section 701(j) of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

§ 501a. Omitted

CODIFICATION

Section, acts June 30, 1939, ch. 253, title I, 53 Stat. 956; June 25, 1940, ch. 421, 54 Stat. 547, related to the evaluation of receipts for sections 500 and 501 of this title. See sections 500 and 501 of this title.

§ 502. Rental of property for Forest Service; forage, care, and housing of animals; storage of vehicles and other equipment; pack stock; loss, damage, or destruction of horses, vehicles, and other equipment

The Secretary of Agriculture is authorized, under such regulations as he may prescribe:

(a) To hire or rent property from employees of the Forest Service for the use of that Service whenever the public interest will be promoted thereby.

(b) To provide forage, care, and housing for animals, and storage for vehicles and other equipment obtained by the Forest Service for the use of that service from employees.

(c) To contract with public and private agencies, corporations, firms, associations, or individuals to train, provide forage, care, and housing for, and to work pack stock owned and held in reserve by the Forest Service for fire emergency purposes and as all or part of the consideration therefor to permit such contractors to use the stock for their own purposes during the periods of nonuse by the Forest Service.

(d) To reimburse owners for loss, damage, or destruction of horses, vehicles, and other equipment obtained by the Forest Service for the use of that service from employees or other private owners: *Provided*, That payments or reimbursements herein authorized may be made from the applicable appropriations for the Forest Service: *And provided further*, That except for fire fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of \$50 to persons who were employees of the Forest Service prior to the time the equipment was obtained or \$2,500 in any other case, unless the equipment was made available under a written agreement, contract, or lease.

(Mar. 4, 1913, ch. 145, §1 (part), 37 Stat. 843; Jan. 31, 1931, ch. 76, 46 Stat. 1052; Pub. L. 85-464, §1, June 20, 1958, 72 Stat. 216; Pub. L. 89-270, Oct. 19, 1965, 79 Stat. 991; Pub. L. 97-375, title I, §103(b), Dec. 21, 1982, 96 Stat. 1819.)

AMENDMENTS

1982—Subsec. (a). Pub. L. 97-375 struck out provision that the Secretary transmit to Congress a statement of rentals under the authority of this paragraph as soon as practicable after the end of each fiscal year.

1965—Subsec. (a). Pub. L. 89-270 required the transmittal of statement of rentals during the fiscal year to congressional committees and omitted restriction against use of hired or rented property by the employee from whom hired or rented and \$3,000 limitation on aggregate amount of payment in any one year to permanent employees, exclusive of fire emergency obligations.

1958—Subsecs. (c), (d). Pub. L. 85-464 added subsec. (c), redesignated former subsec. (c) as (d) and authorized reimbursement in an amount not in excess of \$2,500 in any case where the person is not an employee of the Forest Service at the time the equipment is obtained.

1931—Act Jan. 31, 1931, substituted “The Secretary of Agriculture is authorized, under such regulations as he

may prescribe" for prior provision which authorized Secretary to reimburse owners of private property lost or damaged while being used for necessary official business.

Subsecs. (a) to (c). Act Jan. 31, 1931, added subsecs. (a) to (c).

§ 503. Repealed. Pub. L. 85-767, § 2[1], Aug. 27, 1958, 72 Stat. 919

Section, act July 11, 1916, ch. 241, § 8, 39 Stat. 358, related to appropriations for roads and trails, and cooperative agreements by the Secretary of Agriculture and States.

§ 503a. Omitted

CODIFICATION

Section, acts May 16, 1928, ch. 572, 45 Stat. 569; Feb. 16, 1929, ch. 227, 45 Stat. 1220, which related to purpose for which appropriations for carrying out the provisions of section 503 of this title were available, was omitted in view of repeal of section 503 of this title.

§ 504. Purchases of tree seeds, cones, forage plant seed, and nursery stock for national forests

The provisions of section 6101 of title 41 shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest.

(June 30, 1914, ch. 131, 38 Stat. 429; Apr. 24, 1950, ch. 97, § 2, 64 Stat. 83.)

CODIFICATION

In text, "section 6101 of title 41" substituted for "section 3709, Revised Statutes (41 U.S.C. 5)," on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1950—Act Apr. 24, 1950, increased open market purchase limitation from \$500 to \$10,000 on forest-tree seed or cones or forage plant seed.

§ 504a. Sale of forest-tree seed and nursery stock to States and political subdivisions; disposition of moneys; exchanges; limitation

The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: *Provided*, That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed or nursery stock of the same or different species upon a determination that such exchange is in the interest of the United States and that the value of the property given in exchange does not exceed the value of the property received: *Provided further*, That no

nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nurserymen.

(Apr. 24, 1950, ch. 97, § 9, 64 Stat. 85.)

§ 505. Use of national forests established on land reserved for purposes of national defense; maintenance available

Where a national forest is established under section 471(b) of this title on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the Department of the Army or Navy Department for said purposes and nothing in this section or section 471(b) of this title shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the department for which the lands were formerly reserved. Any moneys available for the maintenance, improvement, protection, construction of highways and general administration of the national forests shall be available for expenditure on national forests created under this section.

(June 7, 1924, ch. 348, § 9, 43 Stat. 655; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section is based on the second and third sentences of section 9 of act June 7, 1924. Section 471(b) of this title, referred to in text, was based on the first and fifth sentences of section 9 of the 1924 act, and was repealed by section 704(a) of Pub. L. 94-579. Section 499 of this title is based in part on the fourth sentence of section 9 of the 1924 act.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

§ 505a. Interchange of lands between Department of Agriculture and military departments of Department of Defense; report to Congress

The Secretary of Agriculture with respect to National Forest System lands and the Secretary of a military department with respect to lands under the control of the military department which lie within or adjacent to the exterior boundaries of a unit of the National Forest System are authorized, subject to any applicable provisions of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, to interchange such lands, or any part thereof, without reimbursement or transfer of funds whenever they shall determine that such interchange will facilitate land management and will provide maximum use thereof for authorized purposes: *Provided*, That no such interchange of lands shall become effective until forty-five days (counting only days occurring during any regular or special session of the Congress) after

the submission to the Congress by the respective Secretaries of notice of intention to make the interchange.

(July 26, 1956, ch. 736, §1, 70 Stat. 656; Pub. L. 100-409, §7(a), (b), Aug. 20, 1988, 102 Stat. 1091.)

CODIFICATION

In text, “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949, as amended” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1988—Pub. L. 100-409 substituted “National Forest System lands” for “national forest lands” and “a unit of the National Forest System” for “a national forest”.

§ 505b. Laws applicable

Any National Forest System lands which are transferred to a military department in accordance with this section and section 505a of this title shall be thereafter subject only to the laws applicable to other lands within the military installation or other public works project for which such lands are required and any lands which are transferred to the Department of Agriculture in accordance with this section and section 505a of this title shall become subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended. Lands interchanged under the authority of this section and section 505a of this title shall be deemed to include interests in lands.

(July 26, 1956, ch. 736, §2, 70 Stat. 657; Pub. L. 100-409, §7(a), (c), Aug. 20, 1988, 102 Stat. 1091.)

REFERENCES IN TEXT

Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

AMENDMENTS

1988—Pub. L. 100-409 substituted “National Forest System lands” for “national forest lands” and inserted provision that lands interchanged under authority of this section and section 505a of this title be deemed to include interests in lands.

§§ 506 to 508. Repealed. Pub. L. 87-869, §4, Oct. 23, 1962, 76 Stat. 1157

Section 506, acts June 11, 1906, ch. 3074, §1, 34 Stat. 233; May 30, 1908, ch. 233, 35 Stat. 554; Aug. 10, 1912, ch. 284, 37 Stat. 287; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized and directed the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which might be occupied for agricultural purposes without injury to the national forest and which were not needed for public purposes and to list them with the Secretary of the Interior for homestead entry and required such Secretary to declare the agricultural lands open to homestead entry.

Section 507, act June 11, 1906, ch. 3074, §2, 34 Stat. 234, provided for additional homestead right of entry to former settlers.

Section 508, act June 11, 1906, ch. 3074, §3, 34 Stat. 234, provided for entries in Black Hills National Forest subject to mining laws and to appropriation of waters.

§ 508a. Omitted

CODIFICATION

Section, act Feb. 15, 1927, ch. 152, 44 Stat. 1099, related to exchange of lands in Black Hills National or Harney National Forest. See Codification note set out under sections 486a to 486w of this title.

§ 508b. National forests in Minnesota; authority to prospect, develop, mine, remove, and utilize mineral resources

Where, through withdrawal or reservation or by statutory limitation or otherwise, all or any part of the mineral resources in public-domain lands or lands received in exchange for public-domain lands or for timber on such lands situated within the exterior boundaries of the national forests in Minnesota, are not subject to development or utilization under the mining laws of the United States or the mineral leasing laws, and for the development and utilization of which no other statutory authority exists, the Secretary of the Interior is authorized, under general regulations to be prescribed by him and upon such terms and for specified periods or otherwise as he may deem to be for the best interests of the United States, to permit the prospecting for and the development and utilization of such mineral resources: *Provided*, That the development and utilization of such mineral deposits shall not be permitted by the Secretary of the Interior except with the consent of the Secretary of Agriculture. All receipts derived from permits or leases issued under the authority of this section for prospecting for and the development and utilization of such mineral resources shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for national forest revenue by sections 499 to 501 of this title.

(June 30, 1950, ch. 430, 64 Stat. 311.)

TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior under this section, with respect to use and disposal from lands under jurisdiction of Secretary of Agriculture of those mineral materials which Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under sections 601 to 604 and 611 to 615 of Title 30, Mineral Lands and Mining, transferred to Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a Transfer of Functions note under section 2201 of Title 7, Agriculture.

§ 509. Repealed. Pub. L. 87-869, §4, Oct. 23, 1962, 76 Stat. 1157

Section, act June 11, 1906, ch. 3074, §5, 34 Stat. 234, related to future settlements on lands within reserves and rights of former bona fide settlers.

§§ 510, 510a. Omitted

CODIFICATION

Section 510, act Aug. 8, 1916, ch. 295, 39 Stat. 440, which applied the provisions of sections 506 to 508 and 509 of this title to lands within the national forests in Lawrence and Pennington Counties in South Dakota, was omitted because of the repeal of sections 506 to 508 and 509 of this title.

Section 510a, act June 13, 1930, ch. 481, 46 Stat. 583, prohibiting the acceptance of applications for the classification and listing of lands in the Custer National Forest for homestead entry with provision for the Secretary of Agriculture to list, in his discretion, limited tracts when in his opinion such action would be in the public interest and would not be injurious to other settlers or users of the national forest, has been omitted in view of the repeal by Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157, of the provision under which such classification and listing were carried out.

§ 511. Reinstatement of entries canceled or relinquished

All homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of such entries after the withdrawal of lands for national-forest purposes, may be reinstated or allowed to remain intact, but in the case of entries canceled prior to March 3, 1911, applications for reinstatement must have been filed in the proper local land office prior to July 1, 1912.

(Mar. 3, 1911, ch. 225, § 1, 36 Stat. 1084.)

§ 512. Omitted

CODIFICATION

Section, acts Mar. 4, 1913, ch. 145, §1[part], 37 Stat. 842; Mar. 3, 1925, ch. 462, 43 Stat. 1144; Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, which directed the Secretary of Agriculture to select, classify, and segregate lands within the boundaries of national forests that might be opened to settlement and entry under the homestead laws applicable to the national forests, has been omitted in view of the repeal of the Forest Reserve Homestead Act "as amended and supplemented" by Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157, which had provided the basic framework under which reserved public domain lands suitable for farming in the national forests had been made available for homesteading.

§ 513. Repealed. Pub. L. 94-588, § 17(a)(1), (2), Oct. 22, 1976, 90 Stat. 2961

Section, acts Mar. 1, 1911, ch. 186, §§ 4, 5, 36 Stat. 962; Sept. 21, 1950, ch. 966, 64 Stat. 872, provided for creation and membership of National Forest Reservation Commission.

TRANSFER OF FUNCTIONS

Section 17(a)(1) of Pub. L. 94-588 provided in part that all functions of National Forest Reservation Commission are transferred to the Secretary of Agriculture.

§ 514. Repealed. Pub. L. 94-588, § 17(a)(6), Oct. 22, 1976, 90 Stat. 2962

Section, acts Mar. 1, 1911, ch. 186, § 14, 36 Stat. 963; June 26, 1934, ch. 756, § 2, 48 Stat. 1225, authorized appropriations for payment of expenses of National Forest Reservation Commission.

§ 515. Examination, location, and purchase of forested, cut-over, or denuded lands; consent of State legislature to acquisition of land by the United States

The Secretary of Agriculture is hereby authorized and directed to examine, locate, and purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber. No deed or other instru-

ment of conveyance of lands referred to herein shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

(Mar. 1, 1911, ch. 186, § 6, 36 Stat. 962; June 7, 1924, ch. 348, § 6, 43 Stat. 654; Pub. L. 94-588, § 17(a)(3), Oct. 22, 1976, 90 Stat. 2961.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

CODIFICATION

Act Mar. 1, 1911, prior to its amendment, authorized the Secretary to study lands necessary to the regulation of the flow of navigable streams. This authority was enlarged by act June 7, 1924, to include in its scope "lands necessary for the production of timber".

AMENDMENTS

1976—Pub. L. 94-588 substituted "The Secretary of Agriculture is hereby authorized and directed to examine, locate, and purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber. No deed or other instrument of conveyance of lands referred to herein shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams" for "The Secretary of Agriculture is authorized and directed to examine, locate, and recommend for purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon".

§ 516. Exchange of lands in the public interest; equal value; cutting and removing timber; publication of contemplated exchange

When the public interests will be benefited thereby, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands

involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subjected to all provisions of this Act.

(Mar. 1, 1911, ch. 186, §7, 36 Stat. 962; Mar. 3, 1925, ch. 473, 43 Stat. 1215; Pub. L. 94-588, §17(a)(4), Oct. 22, 1976, 90 Stat. 2961.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

AMENDMENTS

1976—Pub. L. 94-588 substituted “When the public interests will be benefited thereby, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *Provided*, That before” for “The Secretary of Agriculture is authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission. No deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this section until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams. With the approval of the National Forest Reservation Commission as provided by this section and section 515 of this title, and when the public interests will be benefited thereby, the Secretary of Agriculture is authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under said sections which, in his opinion, are chiefly valuable for the purposes as therein stated, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him. Before”.

1925—Act Mar. 3, 1925, inserted provisions covering the exchange of lands.

§ 517. Title to lands to be acquired

The Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any

such lands until the title shall be satisfactory to the Attorney General or his designee and shall be vested in the United States.

(Mar. 1, 1911, ch. 186, §8 (part), 36 Stat. 962; Pub. L. 91-393, §3, Sept. 1, 1970, 84 Stat. 835.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

CODIFICATION

Section was amended by act Dec. 11, 1926, ch. 5, 44 Stat. 919. The amendment added a proviso at the end of this section which is set out as section 517a of this title.

AMENDMENTS

1970—Pub. L. 91-393 inserted “or his designee” after “Attorney General”.

§ 517a. Payment of awards in condemnation proceedings

In condemnation proceedings, heretofore or hereafter prosecuted, for the acquisition of lands under this Act, in which a decree is entered vesting title thereto in the United States upon payment of the award into the registry of the court, the Secretary of Agriculture is authorized to make such payment when advised by the Attorney General that the proceedings and the decree are regular.

(Mar. 1, 1911, ch. 186, §8 (part), 36 Stat. 962; Dec. 11, 1926, ch. 5, 44 Stat. 919.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

AMENDMENTS

1926—Act Dec. 11, 1926, amended act Mar. 1, 1911, constituting section 517 of this title, by inserting text of this section as a proviso thereof.

§ 518. Acquisition of lands not defeated by rights-of-way, easements, and reservations

Such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature will, in the opinion of the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of this Act. Such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use, occupation, and operation of such rights of way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed.

(Mar. 1, 1911, ch. 186, §9, 36 Stat. 962; Mar. 4, 1913, ch. 145, §1 (part), 37 Stat. 855; Pub. L. 94-588, §17(a)(5), Oct. 22, 1976, 90 Stat. 2962.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

AMENDMENTS

1976—Pub. L. 94-588 struck out “the National Forest Reservation Commission and” after “in the opinion of”.

1913—Act Mar. 4, 1913, amended act Mar. 1, 1911, generally to provide that acquisition of lands under this section would not be defeated by rights of way, easements, and reservations retained by the owner from whom title is received.

§ 519. Agricultural lands included in tracts acquired; sale for homesteads

Inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act, the Secretary of Agriculture may, in his discretion, and he is authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres, in area, under such rules and regulations as he may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this Act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

(Mar. 1, 1911, ch. 186, §10, 36 Stat. 962; Pub. L. 86-509, §1(k), June 11, 1960, 74 Stat. 205.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

CODIFICATION

“Such rules and regulations as he may prescribe” was substituted for “such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe” in view of the transfer of functions under this section to the Secretary of Agriculture from the Secretary of the Interior by section 1(k) of Pub. L. 86-509, set out as a note under section 2201 of Title 7, Agriculture.

§ 519a. Transfer of forest reservation lands for military purposes

If any of the lands purchased or to be purchased by the United States under the provi-

sions of the Act approved March 1, 1911, as amended, within the limits of townships 1, 2, and 3 north, ranges 9, 10, 11, 12, and 13, in Forest and Perry Counties, State of Mississippi, are determined to be chiefly valuable and necessary for a National Guard encampment and related military purposes, the Secretary of Agriculture may, and he is, authorized to convey full title to said lands to the State of Mississippi or the Department of the Army: *Provided*, That there is paid into the Treasury of the United States, or made available by transfer on the books of said Treasury, sums of money equal to the full amounts expended by the Department of Agriculture for the purchase of said lands, and the money so paid into or transferred on the books of the Treasury shall be available for expenditure by the Secretary of Agriculture for the purchase of other lands under the provisions of said Act of March 1, 1911, as amended.

(Mar. 2, 1935, ch. 21, 49 Stat. 37; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

REFERENCES IN TEXT

Act approved March 1, 1911, as amended, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

CODIFICATION

The words “with the consent and approval of the National Forest Reservation Commission established by section 4 of said Act of March 1, 1911 [16 U.S.C. 513]”, which appeared immediately following the first reference to the Secretary of Agriculture, have been omitted as obsolete. Section 4 of the 1911 Act was repealed, and all functions of the National Forest Reservation Commission were transferred to the Secretary of Agriculture, by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

§ 520. Regulations as to mineral resources

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the Act of March first, nineteen hundred and eleven, known as the Weeks law, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

(Mar. 4, 1917, ch. 179, 39 Stat. 1150; 1946 Reorg. Plan No. 3, §402, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1099; Pub. L. 86-509, §1(l), June 11, 1960, 74 Stat. 205.)

REFERENCES IN TEXT

The Act of March first, nineteen hundred and eleven, known as the Weeks Law, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of the Act to the Code, see Short Title note set out under section 552 of this title and Tables.

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture with respect to uses of mineral deposits under this section transferred to Secretary of the Interior by section 402 of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees, which provided that mineral development on such lands shall be authorized by Secretary of the Interior only when he is advised by Secretary of Agriculture that such development will not interfere with purposes for which land was acquired and only in accordance with such conditions as may be specified by Secretary of Agriculture in order to protect such purposes.

For provisions concerning crediting and distribution of revenues and access to title records, see text of Reorg. Plan No. 3 of 1946.

Functions of Secretary of the Interior under section 402 of Reorg. Plan No. 3 of 1946, with respect to use and disposal from lands under jurisdiction of Secretary of Agriculture of those mineral materials which Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under sections 601 to 604 and 611 to 615 of Title 30, Mineral Lands and Mining, transferred to Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

§ 521. Lands acquired to be reserved, held, and administered as national forest lands; designation

Subject to the provisions of section 519 of this title the lands acquired under this Act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 471¹ of this title and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this Act into such specific national forests and so designate the same as he may deem best for administrative purposes.

(Mar. 1, 1911, ch. 186, §11, 36 Stat. 963.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

Section 471 of this title, referred to in text, was in the original a reference to section 24 of act Mar. 3, 1891, ch. 561, 26 Stat. 1103, and was repealed by Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792.

§ 521a. Administration, management, and consolidation of certain lands

In order to facilitate the administration, management, and consolidation of the national forests, all lands of the United States within the exterior boundaries of national forests which were or hereafter are acquired for or in connection with the national forests or transferred to the Forest Service, Department of Agriculture,

for administration and protection substantially in accordance with national forest regulations, policies, and procedures, excepting (a) lands reserved from the public domain or acquired pursuant to laws authorizing the exchange of land or timber reserved from or part of the public domain, and (b) lands within the official limits of towns or cities, notwithstanding the provisions of any other Act, are made subject to the Weeks Act of March 1, 1911 (36 Stat. 961), as amended, and to all laws, rules, and regulations applicable to national forest lands acquired thereunder: *Provided*, That nothing in this section shall be construed as (1) affecting the status of lands administered by the Secretary of Agriculture under the Act of June 24, 1954 (68 Stat. 270), and which are revested Oregon and California Railroad grant lands, administered as national forest lands, or (2) changing the disposition of revenues from or authorizing the exchange of the lands, or the timber thereon, described in the Act of February 11, 1920 (ch. 69, 41 Stat. 405), the Act of September 22, 1922 (ch. 407, 42 Stat. 1019), and the Act of June 4, 1936 (ch. 494, 49 Stat. 1460). (Pub. L. 85-862, Sept. 2, 1958, 72 Stat. 1571.)

REFERENCES IN TEXT

The Weeks Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

Act June 24, 1954, referred to in text, is classified to sections 1181f and 1181g to 1181j of Title 43, Public Lands.

Act February 11, 1920, referred to in text, related to exchanges of lands in or adjacent to Siuslaw National Forest and was not classified to the Code. See Codification note set out under sections 486a to 486w of this title.

Act September 22, 1922, referred to in text, is classified to section 487 of this title.

Act June 4, 1936, referred to in text, is classified to section 487a of this title.

§ 521b. Report of Secretary of Agriculture prior to purchase or exchange of land; contents; waiting period

For purposes of providing information that will aid the Congress in its oversight responsibilities and improve the accountability of expenditures for the acquisition of forest land, the Secretary of Agriculture may not hereafter enter into any land purchase or exchange relating to the National Forest System of \$150,000 or more for the types of lands which have been heretofore approved by the National Forest Reservation Commission until after 30 days from the date upon which a detailed report of the facts concerning such proposed purchase or transfer is submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate or such earlier time as may be approved by both such committees. Such report shall contain at least the following:

- (1) guidelines utilized by the Secretary in determining that the land should be acquired;
- (2) the location and size of the land;
- (3) the purchase price of the land and the criteria used by the Secretary in determining such price;

¹ See References in Text note below.

(4) the person from whom the land is being acquired; and

(5) any adjustment made by the Secretary of relative value pursuant to section 1716(f)(2)(B)(ii) of title 43.

(Pub. L. 94-588, §17(b), Oct. 22, 1976, 90 Stat. 2962; Pub. L. 100-409, §6, Aug. 20, 1988, 102 Stat. 1090; Pub. L. 103-437, §6(r), Nov. 2, 1994, 108 Stat. 4587.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in text, was abolished and the functions thereof were transferred to the Secretary of Agriculture by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

AMENDMENTS

1994—Pub. L. 103-437 in introductory provisions substituted “Agriculture, Nutrition, and Forestry of the Senate” for “Agriculture and Forestry of the Senate”.
1988—Pub. L. 100-409 substituted “\$150,000” for “\$25,000” in introductory provisions and added par. (5).

§ 521c. Definitions

For purposes of sections 521c to 521i of this title—

(1) the term “person” includes any State or any political subdivision or entity thereof;

(2) the term “interchange” means a land transfer in which the Secretary and another person exchange titles to lands or interests in lands of approximately equal value where the Secretary finds that such a value determination can be made without a formal appraisal and under such regulations as the Secretary may prescribe; and

(3) the term “Secretary” means the Secretary of Agriculture of the United States.

(Pub. L. 97-465, §1, Jan. 12, 1983, 96 Stat. 2535.)

§ 521d. Sale, exchange, or interchange of National Forest System land

The Secretary is authorized, when the Secretary determines it to be in the public interest—

(1) to sell, exchange, or interchange by quitclaim deed, all right, title, and interest, including the mineral estate, of the United States in and to National Forest System lands described in section 521e of this title; and

(2) to accept as consideration for the lands sold, exchanged, or interchanged other lands, interests in lands, or cash payment, or any combination of such forms of consideration, which, in the case of conveyance by sale or exchange, is at least equal in value, including the mineral estate, or, in the case of conveyance by interchange, is of approximately equal value, including the mineral estate, to the lands being conveyed by the Secretary. The Secretary shall insert in any such quitclaim deed such terms, covenants,¹ conditions, and reservations as the Secretary deems necessary to ensure protection of the public interest, including protection of the scenic, wildlife, and recreation values of the National Forest System and provision for appropriate public access to and use of lands within the System.

¹ So in original. Probably should be “covenants.”.

The preceding sentence shall not be applicable to deeds issued by the Secretary to lands outside the boundary of units of the National Forest System.

(Pub. L. 97-465, §2, Jan. 12, 1983, 96 Stat. 2535.)

§ 521e. Small parcels and road rights-of-way

The National Forest System lands which may be sold, exchanged, or interchanged under sections 521c to 521i of this title are those the sale or exchange of which is not practicable under any other authority of the Secretary, which have a value as determined by the Secretary of not more than \$150,000, and which are—

(1) parcels of forty acres or less which are interspersed with or adjacent to lands which have been transferred out of Federal ownership under the mining laws and which are determined by the Secretary, because of location or size, not to be subject to efficient administration;

(2) parcels of ten acres or less which are encroached upon by improvements occupied or used under claim or color of title by persons to whom no advance notice was given that the improvements encroached or would encroach upon such parcels, and who in good faith relied upon an erroneous survey, title search, or other land description indicating that there was not such encroachment; or

(3) road rights-of-way, reserved or acquired, which are substantially surrounded by lands not owned by the United States and which are no longer needed by the United States, subject to the first right of abutting landowners to acquire such rights-of-way.

(Pub. L. 97-465, §3, Jan. 12, 1983, 96 Stat. 2535.)

§ 521f. Costs of conveyance and value of improvements

Any person to whom lands are conveyed under sections 521c to 521i of this title shall bear all reasonable costs of administration, survey, and appraisal incidental to such conveyance, as determined by the Secretary. In determining the value of any lands or interest in lands to be conveyed under sections 521c to 521i of this title, the Secretary may, in those cases in which the Secretary determines it would be in the public interest, exclude from such determination the value of any improvements to the lands made by any person other than the Government. In the case of road rights-of-way conveyed under sections 521c to 521i of this title, the person to whom the right-of-way is conveyed shall reimburse the United States for the value of any improvements to such right-of-way which may have been made by the United States. The Secretary may, in those cases in which the Secretary determines that it would be in the public interest, waive payment by any person of costs incidental to any conveyance authorized by sections 521c to 521i of this title or reimbursement by any person for the value of improvements to rights-of-way otherwise required by this section.

(Pub. L. 97-465, §4, Jan. 12, 1983, 96 Stat. 2536.)

§ 521g. Road rights-of-way subject to State or local law

Conveyance of any road rights-of-way under sections 521c to 521i of this title shall not be construed as permitting any designation, maintenance, or use of such rights-of-way for road or other purposes except to the extent permitted by State or local law and under conditions imposed by such law.

(Pub. L. 97-465, § 5, Jan. 12, 1983, 96 Stat. 2536.)

§ 521h. Regulations; contents

The Secretary shall issue regulations to carry out the provisions of sections 521c to 521i of this title, including specification of—

- (1) criteria which shall be used in making the determination as to what constitutes the public interest;
- (2) the definition of and the procedure for determining “approximately equal value”; and
- (3) factors relating to location or size which shall be considered in connection with determining the lands to be sold, exchanged, or interchanged under clause (1) of section 521e of this title.

(Pub. L. 97-465, § 6, Jan. 12, 1983, 96 Stat. 2536.)

§ 521i. Unaffected lands

Nothing in sections 521c to 521i of this title shall authorize conveyance of Federal lands within the National Wilderness Preservation System, National Wild and Scenic Rivers System, National Trails System, or National Monuments. Nothing in sections 521c to 521i of this title shall authorize sale of Federal lands, within National Recreation Areas.

(Pub. L. 97-465, § 7, Jan. 12, 1983, 96 Stat. 2536.)

§ 522. Omitted

CODIFICATION

Section, acts Feb. 15, 1901, ch. 372, 31 Stat. 790; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628, insofar as it relates to rights-of-way through public lands, forests, and reservations, and the Yosemite, Sequoia, and General Grant National Parks is set out as section 79 of this title and section 959 of Title 43, Public Lands, and insofar as it related to rights-of-way through national forests was set out as this section. Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, repealed this section insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

§ 523. Rights-of-way through national forests for power and communications facilities

The head of the department having jurisdiction over the lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the national forests of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to the extent of

two hundred feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided*, That such right-of-way shall be allowed within or through any national forest only upon the approval of the chief officer of the department under whose supervision or control such national forest falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to said date.

(Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section, insofar as it relates to rights-of-way in national parks, military, and other reservations, is set out as sections 5 and 420 of this title, and insofar as it relates to rights-of-way on public lands generally, and Indian reservations, is set out as section 961 of Title 43, Public Lands.

AMENDMENTS

1952—Act May 27, 1952, inserted reference to rights-of-way for radio, television, and other forms of communication, and increased from 40 feet to 400 feet the maximum width of rights-of-way for lines and poles.

SAVINGS PROVISION

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 524. Rights-of-way for dams, reservoirs, or water plants for municipal, mining, and mill- ing purposes

Rights-of-way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the national forests of the United States, are granted to citizens and corporations of the United States for municipal or mining

purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said forests are respectively situated.

(Feb. 1, 1905, ch. 288, § 4, 33 Stat. 628.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

“National forests” and “forests” substituted in text for “forest reserves” and “reserves”, respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SAVINGS PROVISION

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 525. Rights-of-way for wagon roads or railroads

In the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any national forest when in his judgment the public interests will not be injuriously affected thereby.

(Mar. 3, 1899, ch. 427, § 1, 30 Stat. 1233.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

As originally enacted, this section contained following the word “forest” the words “or reservoir site”. See sections 665 and 958 of Title 43, Public Lands, which represent the phase of the section here omitted.

“National forest” substituted in text for “forest reserve” on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SAVINGS PROVISION

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 526. Establishment and protection of water rights

There are authorized to be appropriated for expenditure by the Forest Service such sums as

may be necessary for the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests.

(Sept. 21, 1944, ch. 412, title II, § 213, 58 Stat. 737.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

INTERIM MORATORIUM ON BYPASS FLOWS

Pub. L. 104-127, title III, § 389, Apr. 4, 1996, 110 Stat. 1021, as amended by Pub. L. 104-180, title VII, § 736, Aug. 6, 1996, 110 Stat. 1607, provided that:

“(a) MORATORIUM.—There shall be a 20-month moratorium on any Forest Service decision to require by-pass flows or any other relinquishment of the unimpaired use of a decreed water right as a condition of renewal or reissuance of a land use authorization permit.

“(b) LIMITATIONS.—Subsection (a) shall not affect—

“(1) obligations or authority of the Secretary of Agriculture to protect public health and safety; and

“(2) obligations or authority under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or applicable State law.

“(c) RULES OF CONSTRUCTION.—

“(1) EXISTING NON-FEDERAL WATER RIGHTS.—Nothing in this section prevents or inhibits the exercise of the use and operation of existing non-Federal water rights on or above the National Forest land that require land use authorization permits from the Forest Service to access water supply facilities.

“(2) RENEWAL OR REISSUANCE OF EXPIRING LAND USE AUTHORIZATION FOR DECREED WATER RIGHTS.—Nothing in this section prevents or inhibits the renewal or reissuance of expiring land use authorizations for decreed water rights. The Forest Service may extend, as needed, any expiring land use authorization for such time as is necessary to incorporate the results of the study authorized by subsection (d).

“(d) STUDY OF WATER RIGHTS ACROSS FEDERAL LANDS.—

“(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act [Apr. 4, 1996], there shall be established a Water Rights Task Force to study the subjects described in paragraph (3).

“(2) MEMBERSHIP.—The Task Force shall be composed of 7 members appointed as follows:

“(A) 1 member shall be appointed by the Secretary of Agriculture.

“(B) 2 members shall be appointed by the Speaker of the House of Representatives and 1 member shall be appointed by the Minority Leader of the House of Representatives.

“(C) 2 members shall be appointed by the Majority Leader of the Senate and 1 member shall be appointed by the Minority Leader of the Senate.

“(3) SUBJECTS TO BE STUDIED.—The Task Force shall study and make recommendations on—

“(A) whether Federal water rights should be acquired for environmental protection on National Forest land;

“(B) measures necessary to protect the free exercise of non-Federal water rights requiring easements and permits from the Forest Service;

“(C) the protection of minimum instream flows for environmental and watershed management purposes on National Forest land through purchases or exchanges from willing sellers in accordance with State law;

“(D) the effects of any of the recommendations made under this paragraph on existing State laws, regulations, and customs of water usage; and

“(E) measures that would be useful in avoiding or resolving conflicts between the Forest Service’s re-

sponsibilities for natural resource and environmental protection, the public interest, and the property rights and interests of water holders with special use permits for water facilities, including the study of the Federal acquisition of water rights, dispute resolution, mitigation, and compensation.

“(4) FINAL REPORT.—As soon as practicable, but not later than 14 months, after the date of enactment of this Act [Apr. 4, 1996], the Task Force shall provide the final report of the Task Force to—

“(A) the Secretary of Agriculture;

“(B) the Speaker of the House of Representatives;

“(C) the President pro tempore of the Senate;

“(D) the Chairman of the Committee on Agriculture of the House of Representatives;

“(E) the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

“(F) the Chairman of the Committee on Resources [now Committee on Natural Resources] of the House of Representatives; and

“(G) the Chairman of the Committee on Energy and Natural Resources of the Senate.

“(5) AUTHORIZATION OF FUNDS.—The Secretary of Agriculture shall use funds made available for salaries and administrative expenses of the Department of Agriculture to carry out this subsection.

“(e) EXTENSION FOR DELAY.—There shall be a day-for-day extension to the 20-month moratorium required by subsection (a) and a day-for-day extension to the report required by subsection (d)(4)—

“(1) for every day of delay in implementing or establishing the Water Rights Task Force caused by a failure to nominate Task Force members by the Administration or by the Congress; or

“(2) for every day of delay caused by a failure by the Secretary of Agriculture to identify adequate resources as determined by the Secretary of Agriculture to carry out the purposes of the Task Force.”

§ 527. Use of Forest Service funds for administration of certain lands

The Forest Service may expend funds available for national forest protection and management for the administration of lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under the Act of March 1, 1911, and the Act of June 7, 1924, and lands transferred to the Forest Service for administration.

(Sept. 21, 1944, ch. 412, title II, §211, 58 Stat. 737.)

REFERENCES IN TEXT

Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

Act of June 7, 1924, referred to in text, is act June 7, 1924, ch. 348, 43 Stat. 653, which is classified to sections 471, 499, 505, 515, 564, 565, 566, 567, 568, 569, and 570 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 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 ad-

ministered 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.—

“(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.]

§ 529. Authorization of development and administration consideration to relative values of resources; areas of wilderness

The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom. In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas. The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of sections 528 to 531 of this title.

(Pub. L. 86-517, § 2, June 12, 1960, 74 Stat. 215.)

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with provisions of sections 528 to 531 of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§ 530. Cooperation for purposes of development and administration with State and local governmental agencies and others

In the effectuation of sections 528 to 531 of this title the Secretary of Agriculture is authorized to cooperate with interested State and local governmental agencies and others in the development and management of the national forests.

(Pub. L. 86-517, § 3, June 12, 1960, 74 Stat. 215.)

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with the provisions of sections 528 to 531 of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas were transferred to the Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, until the first anniversary of date of initial operation of the Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section

3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§ 531. Definitions

As used in sections 528 to 531 of this title the following terms shall have the following meanings:

(a) "Multiple use" means: The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

(b) "Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.

(Pub. L. 86-517, § 4, June 12, 1960, 74 Stat. 215.)

§ 532. Roads and trails system; Congressional findings and declaration of policy

The Congress hereby finds and declares that the construction and maintenance of an adequate system of roads and trails within and near the national forests and other lands administered by the Forest Service is essential if increasing demands for timber, recreation, and other uses of such lands are to be met; that the existence of such a system would have the effect, among other things, of increasing the value of timber and other resources tributary to such roads; and that such a system is essential to enable the Secretary of Agriculture (hereinafter called the Secretary) to provide for intensive use, protection, development, and management of these lands under principles of multiple use and sustained yield of products and services.

(Pub. L. 88-657, § 1, Oct. 13, 1964, 78 Stat. 1089.)

§ 533. Grant of easements for road rights-of-way; authority of Secretary of Agriculture; regulations

The Secretary is authorized, under such regulations as he may prescribe, subject to the provisions of sections 532 to 538 of this title, to grant permanent or temporary easements for specified periods or otherwise for road rights-of-way (1) over national forest lands and other lands administered by the Forest Service, and (2) over any other related lands with respect to which the Department of Agriculture has rights under the terms of the grant to it.

(Pub. L. 88-657, § 2, Oct. 13, 1964, 78 Stat. 1089.)

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with construction and utilization of national forest roads under sections 532 to 538 of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§ 534. Termination and cancellation of easements; notice; hearing

An easement granted under sections 532 to 538 of this title may be terminated by consent of the owner of the easement, by condemnation, or after a five-year period of nonuse the Secretary may, if he finds the owner has abandoned the easement, make a determination to cancel it. Before the Secretary may cancel an easement for nonuse the owner of such easement must be notified of the determination to cancel and be given, upon his request made within sixty days after receipt of the notice, a hearing in accordance with such rules and regulations as may be issued by the Secretary.

(Pub. L. 88-657, § 3, Oct. 13, 1964, 78 Stat. 1089.)

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under sections 532 to 538 of this title to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see Transfer of Functions note set out under section 533 of this title.

§ 535. Forest development roads; acquisition, construction, and maintenance; maximum economy; methods of financing; cost arrangements for construction standards; transfer of unused effective purchaser credit for road construction

The Secretary is authorized to provide for the acquisition, construction, and maintenance of forest development roads within and near the national forests and other lands administered by the Forest Service in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management thereof, and for utilization of the other resources thereof. Financing of such

roads may be accomplished (1) by the Secretary utilizing appropriated funds, (2) by requirements on purchasers of national forest timber and other products, including provisions for amortization of road costs in contracts, (3) by cooperative financing with other public agencies and with private agencies or persons, or (4) by a combination of these methods: *Provided*, That where roads of a higher standard than that needed in the harvesting and removal of the timber and other products covered by the particular sale are to be constructed, the purchaser of the national forest timber and other products shall not be required to bear that part of the costs necessary to meet such higher standard, and the Secretary is authorized to make such arrangements to this end as may be appropriate. The Secretary is authorized, under such rules and regulations as he shall prescribe, to permit the transfer of unused effective purchaser credit for road construction earned after December 16, 1975, from one timber sale to a purchaser to another timber sale to the same purchaser within the same National Forest.

(Pub. L. 88-657, §4, Oct. 13, 1964, 78 Stat. 1089; Pub. L. 94-154, Dec. 16, 1975, 89 Stat. 823.)

AMENDMENTS

1975—Pub. L. 94-154 authorized the Secretary to permit the transfer of unused effective purchaser credit for road construction earned after Dec. 16, 1975, from one timber sale to a purchaser to another timber sale to the same purchaser within the same National Forest.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under sections 532 to 538 of this title to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see Transfer of Functions note set out under section 533 of this title.

FINANCING OF FOREST DEVELOPMENT ROADS

Financing of forest development roads authorized by cl. (2) of this section deemed "budget authority" and "budget outlays" as defined in section 621(a) of Title 2, The Congress, and effective for purpose specified in section 651(a) of Title 2, see section 1608 of this title.

§ 535a. Forest development roads: prohibition on credits; inclusion of construction costs in notice of sale; special election by small business concerns; construction standards; authorization of harvesting; treatment of road value

(a) Prohibition on timber purchaser road credits

In financing any forest development road pursuant to section 535 of this title, the Secretary of Agriculture may not provide effective credit for road construction to any purchaser of national forest timber or other forest products.

(b) Construction of roads by timber purchasers

(1) Whenever the Secretary of Agriculture makes a determination that a forest development road referred to in subsection (a) of this section shall be constructed or paid for, in whole or in part, by a purchaser of national forest timber or other forest products, the Secretary shall

include notice of the determination in the notice of sale of the timber or other forest products. The notice of sale shall contain, or announce the availability of, sufficient information related to the road described in the notice to permit a prospective bidder on the sale to calculate the likely cost that would be incurred by the bidder to construct or finance the construction of the road so that the bidder may reflect such cost in the bid.

(2) If there is an increase or decrease in the cost of roads constructed by the timber purchaser, caused by variations in quantities, changes or modifications subsequent to the sale of timber made in accordance with applicable timber sale contract provisions, then an adjustment to the price paid for timber harvested by the purchaser shall be made. The adjustment shall be applied by the Secretary as soon as practicable after any such design change is implemented.

(c) Special election by small business concerns

(1) A notice of sale referred to in subsection (b) of this section containing specified road construction of \$50,000 or more, shall give a purchaser of national forest timber or other forest products that qualifies as a "small business concern" under the Small Business Act (15 U.S.C. 631 et seq.), and regulations issued thereunder, the option to elect that the Secretary of Agriculture build the roads described in the notice. The Secretary shall provide the small business concern with an estimate of the cost that would be incurred by the Secretary to construct the roads on behalf of the small business concern. The notice of sale shall also include the date on which the roads described in the notice will be completed by the Secretary if the election is made.

(2) If the election referred to in paragraph (1) is made, the purchaser of the national forest timber or other forest products shall pay to the Secretary of Agriculture, in addition to the price paid for the timber or other forest products, an amount equal to the estimated cost of the roads which otherwise would be paid by the purchaser as provided in the notice of sale. Pending receipt of such amount, the Secretary may use receipts from the sale of national forest timber or other forest products and such additional sums as may be appropriated for the construction of roads, such funds to be available until expended, to accomplish the requested road construction.

(d) Authorization of harvesting

In each sale of national forest timber or other forest products referred to in this section, the Secretary of Agriculture is encouraged to authorize harvest of the timber or other forest products in a unit included in the sale as soon as road work for that unit is completed and the road work is approved by the Secretary.

(e) Construction standard

For any forest development road that is to be constructed or paid for by a purchaser of national forest timber or other forest products, the Secretary of Agriculture may not require the purchaser to design, construct, or maintain the road (or pay for the design, construction, or

maintenance of the road) to a standard higher than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the harvesting and removal of the timber or other forest products, unless the Secretary bears that part of the cost necessary to meet the higher standard.

(f) Treatment of road value

For any forest development road that is constructed or paid for by a purchaser of national forest timber or other forest products, the estimated cost of the road construction, including subsequent design changes, shall be considered to be money received for purposes of the payments required to be made under section 500 of this title. To the extent that the appraised value of road construction determined under this subsection reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard pursuant to subsection (e) of this section, the Secretary shall modify the appraisal of the road construction to exclude the effect of the Federal funds.

(g) Effective date

(1) This section and the requirements of this section shall take effect (and apply thereafter) upon the earlier of—

(A) April 1, 1999; or

(B) the date that is the later of—

(i) the effective date of regulations issued by the Secretary of Agriculture to implement this section; and

(ii) the date on which new timber sale contract provisions designed to implement this section, that have been published for public comment, are approved by the Secretary.

(2) Notwithstanding paragraph (1), any sale of national forest timber or other forest products for which notice of sale is provided before the effective date of this section, and any effective purchaser road credit earned pursuant to a contract resulting from such a notice of sale or otherwise earned before that effective date shall remain in effect, and shall continue to be subject to section 535 of this title and section 472a(i) of this title, and rules issued thereunder, as in effect on the day before October 21, 1998.

(Pub. L. 105-277, div. A, §101(e) [title III, §329], Oct. 21, 1998, 112 Stat. 2681-231, 2681-292.)

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (c)(1), is Pub. L. 85-536, §2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

§ 536. Recording of instruments; furnishing of instruments affecting public domain lands to Secretary of the Interior

Copies of all instruments affecting permanent interests in land executed pursuant to sections 532 to 538 of this title shall be recorded in each county where the lands are located. Copies of all instruments affecting interests in lands reserved from the public domain shall be furnished to the Secretary of the Interior.

(Pub. L. 88-657, §5, Oct. 13, 1964, 78 Stat. 1089.)

§ 537. Maintenance and reconstruction by road users; funds for maintenance and reconstruction; availability of deposits until expended, transfer of funds, and refunds

The Secretary may require the user or users of a road under the control of the Forest Service, including purchasers of Government timber and other products, to maintain such roads in a satisfactory condition commensurate with the particular use requirements of each. Such maintenance to be borne by each user shall be proportionate to total use. The Secretary may also require the user or users of such a road to reconstruct the same when such reconstruction is determined to be necessary to accommodate such use. If such maintenance or reconstruction cannot be so provided or if the Secretary determines that maintenance or reconstruction by a user would not be practical, then the Secretary may require that sufficient funds be deposited by the user to provide his portion of such total maintenance or reconstruction. Deposits made to cover the maintenance or reconstruction of roads are hereby made available until expended to cover the cost to the United States of accomplishing the purpose for which deposited: *Provided*, That deposits received for work on adjacent and overlapping areas may be combined when it is the most practicable and efficient manner of performing the work, and cost thereof may be determined by estimates: *And provided further*, That unexpended balances upon accomplishment of the purpose for which deposited shall be transferred to miscellaneous receipts or refunded.

(Pub. L. 88-657, §6, Oct. 13, 1964, 78 Stat. 1090.)

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under sections 532 to 538 of this title to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see Transfer of Functions note set out under section 533 of this title.

§ 538. User fees fund for delayed payments to grantors

Whenever the agreement under which the United States has obtained for the use of, or in connection with, the national forests and other lands administered by the Forest Service a right-of-way or easement for a road or an existing road or the right to use an existing road provides for delayed payments to the Government's grantor, any fees or other collections received by the Secretary for the use of the road may be placed in a fund to be available for making payments to the grantor.

(Pub. L. 88-657, §7, Oct. 13, 1964, 78 Stat. 1090.)

§ 539. Additions to existing national forests; administration

(a) The following units of the National Forest System are hereby expanded:

(1) Chugach National Forest by the addition of four areas, Nellie Juan, College Fjord, Copper/Rude River, and Controller Bay, contain-

ing approximately one million nine hundred thousand acres of public land, as generally depicted on the map entitled “Chugach National Forest additions—proposed”, and dated October 1978; and

(2) Tongass National Forest by the addition of three areas, Kates Needle, Juneau Icefield, and Brabazon Range, containing approximately one million four hundred and fifty thousand acres of public lands, as generally depicted on the map entitled “Tongass National Forest additions—proposed”, and dated October 1978.

(b) Subject to valid existing rights, lands added to the Tongass and Chugach National Forests by this section shall be administered by the Secretary in accordance with the applicable provisions of this Act and the laws, rules, and regulations applicable to the national forest system: *Provided*, That the conservation of fish and wildlife and their habitat shall be the primary purpose for the management of the Copper/Rude River addition and the Copper River-Bering River portion of the existing Chugach National Forest, as generally depicted on the map appropriately referenced and dated October 1978: *Provided*, That the taking of fish and wildlife shall be permitted within zones established by this subsection pursuant to the provisions of this Act and other applicable State and Federal law. Multiple use activities shall be permitted in a manner consistent with the conservation of fish and wildlife and their habitat as set forth in special regulations which shall be promulgated by the Secretary.

(Pub. L. 96-487, title V, § 501, Dec. 2, 1980, 94 Stat. 2398.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

CHUGACH NATIONAL FOREST BOUNDARY CHANGE

Pub. L. 102-415, § 6, Oct. 14, 1992, 106 Stat. 2113, provided that:

“(a) BOUNDARY ADJUSTMENT.—The boundary of the Chugach National Forest, Alaska, is modified to include the approximately 9,300 acres as generally depicted on the map entitled ‘Official Map, Boundary Modification, Chugach National Forest’ and dated September 1988. The map shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

“(b) ADMINISTRATION.—Subject to valid existing rights, all Federal lands brought within the boundary of the Chugach National Forest by subsection (a) are added to and shall be administered as part of the Chugach National Forest.

“(c) TERMS AND CONDITIONS.—(1) Nothing in this Act [see Short Title of 1992 Amendment note set out under section 1601 of Title 43, Public Lands] shall be construed to affect the validity of, or the terms and conditions of, any right-of-way, easement, lease, license, or permit on lands transferred by this section that is in existence on the date of enactment of this Act [Oct. 14, 1992].

“(2) Notwithstanding any other provision of law, the Secretary of the Interior shall delegate, as necessary, to the Secretary of Agriculture the authority to renew or reissue the authorizations described in paragraph (1).

The change of administrative jurisdiction over these lands resulting from subsection (a) shall not constitute a ground for the denial of renewal or reissuance of the authorizations described in paragraph (1).

“(d) LAND AND WATER CONSERVATION FUND ACT.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundary of the Chugach National Forest, as modified by this section, shall be treated as if it were the boundary of the Chugach National Forest as of January 1, 1965.”

§ 539a. Mining and mineral leasing on certain national forest lands

Subject to valid existing rights, the minerals in public lands within the Copper River addition to the Chugach National Forest, are hereby withdrawn from location, entry, and patent under the United States mining laws. With respect to such areas, the Secretary, under such reasonable regulations as he deems appropriate, may permit the removal of nonleasable minerals from the lands in the manner prescribed by Reorganization Plan Numbered 3 of 1946 and section 520 of this title, and the removal of leasable minerals from such lands in accordance with the mineral leasing laws, if the Secretary finds that such disposition would not have significant adverse effects on the administration of the area. All receipts derived from disposal of nonleasable minerals under this section shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests.

(Pub. L. 96-487, title V, § 502, Dec. 2, 1980, 94 Stat. 2399.)

REFERENCES IN TEXT

Reorganization Plan Numbered 3 of 1946, referred to in text, is Reorg. Plan No. 3 of 1946, July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 539b. Fisheries on national forest lands in Alaska

(a) Regulations for protection and maintenance of habitats

The Secretary of Agriculture shall, in consultation with the Secretaries of Commerce and the Interior, and with the State of Alaska, pursuant to his existing authority to manage surface resources, promulgate such reasonable regulations as he determines necessary after consideration of existing laws and regulations to maintain the habitats, to the maximum extent feasible, of anadromous fish and other foodfish, and to maintain the present and continued productivity of such habitat when such habitats are affected by mining activities on national forest lands in Alaska. The Secretary of Agriculture, in consultation with the State, shall assess the effects on the populations of such fish in determinations made pursuant to this subsection.

(b) Approved plan for mining operations; requirements; review; modification; suspension of activities

Because of the large scale of contemplated mining operations and the proximity of such operations to important fishery resources, with respect to mining operations in the Quartz Hill

area of the Tongass National Forest, the regulations of the Secretary shall, pursuant to this subsection, include a requirement that all mining operations involving significant surface disturbance shall be in accordance with an approved plan of operations. Before approving any proposed plan or distinct stages of such plan of operations for any such claims when any fishery habitat or fishery value may be affected, the Secretary shall, in consultation with the Secretaries of Commerce and the Interior and the State of Alaska, determine—

(1) that such plan or stages of such plan are based upon and shall include studies or information which he determines are adequate for—

(A) evaluating the water quality and water quantity, fishery habitat, and other fishery values of the affected area; and

(B) evaluating to the maximum extent feasible and relevant, the sensitivity to environmental degradation from activities carried out under such plan of the fishery habitat as it affects the various life stages of anadromous fish and other foodfish and their major food chain components;

(2) that such plan adequately identifies the risks the operations under such plan or such stages might pose to and the benefits the operations under such plan might provide to—

(A) the natural stability and the present and continued productivity of anadromous fish and other foodfish;

(B) fishery habitat, including but not limited to water quality and water quantity; and

(C) other fishery values;

(3) that such plan includes provisions which he determines are adequate for the purposes of—

(A) preventing significant adverse environmental impacts to the fishery habitat (including but not limited to water quality and water quantity) or other fishery values; and

(B) maintaining present and continued productivity of the habitat of anadromous fish and other foodfish which might be affected by the mining and other activities proposed to be conducted in accordance with such plan or such stages of the plan of operations;

(4)(A) the Secretary shall ensure, to the maximum extent feasible, that the cumulative effects of activities carried out under the operating plan will not interfere with the ability to collect baseline information needed by the Secretary to evaluate the effects of various stages of the operating plan on the fishery habitat and productivity of such habitats;

(B) the Secretary shall review such plan and mining activities on at least an annual basis. With respect to any mining or associated activities, the Secretary, if he determines upon notice and hearing, that the activities are harmful to the continued productivity of anadromous fish, or other foodfish populations or fishery habitat, shall require a modification of the plan to eliminate or mitigate, if necessary, the harmful effects of such activities; and

(5) upon a finding by the Secretary that a mining activity conducted as a part of a mining operation exists which constitutes a threat of irreparable harm to anadromous fish, or other foodfish populations or their habitat, and that immediate correction is required to prevent such harm, he may require such activity to be suspended for not to exceed seven days, provided the activity may be resumed at the end of said seven-day period unless otherwise required by a United States district court.

(c) Authority of State of Alaska to manage fish and wildlife

Nothing in this section shall enlarge or diminish the responsibility and authority of the State of Alaska to manage fish and wildlife or to exercise its other responsibilities under applicable law.

(d) Authority of Secretary of Agriculture to manage national forests

Except as specifically provided in subsection (b)(5) of this section nothing in this section shall enlarge or diminish the responsibilities and authorities of the Secretary of Agriculture to manage the national forests.

(Pub. L. 96-487, title V, § 505, Dec. 2, 1980, 94 Stat. 2405.)

§ 539c. Cooperative fisheries planning; report to Congress

(a) The Secretary of Agriculture is directed to implement a cooperative planning process for the enhancement of fisheries resources through fish hatchery and aquaculture facilities and activities in the Tongass National Forest. Participation in this process shall include but not be limited to the State of Alaska and appropriate nonprofit aquaculture corporations. The Secretary may contract with private, nonprofit associations for services in such planning.

(b) Each subsequent revision of National Forest management plans under the Forest and Rangeland Renewable Resources Planning Act of 1974 [16 U.S.C. 1600 et seq.] and the National Forest Management Act of 1976 shall contain a report on the status of the planning process undertaken under this paragraph, including, but not limited to, a description of current hatchery and aquaculture projects, an analysis of the success of these projects, and a prioritized list of projects anticipated for the duration of the management plan. The report shall be submitted by the Secretary to the Congress with recommendations for any legislative action which the Secretary may deem necessary to implement the proposed hatchery and aquaculture projects.

(Pub. L. 96-487, title V, § 507, Dec. 2, 1980, 94 Stat. 2412.)

REFERENCES IN TEXT

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in subsec. (b), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (§ 1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

The National Forest Management Act of 1976, referred to in subsec. (b), is Pub. L. 94-588, Oct. 22, 1976,

90 Stat. 2949, as amended, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

§ 539d. National forest timber utilization program

(a) Tongass National Forest timber supply; satisfaction of certain market demands

Subject to appropriations, other applicable law, and the requirements of the National Forest Management Act of 1976 (Public Law 94-588), except as provided in subsection (d) of this section, the Secretary shall, to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle.

(b) Insured and guaranteed loan program for purchasers of national forests materials in Alaska; authorization of appropriations

(1) The Secretary is authorized and directed to establish a special program of insured or guaranteed loans to purchasers of national forest materials in Alaska to assist such purchasers in the acquisition of equipment and the implementation of new technologies which lead to the utilization of wood products which might otherwise not be utilized. The Secretary is authorized to promulgate such regulations as he deems appropriate to define eligibility requirements for the participation in the loan program and the terms and conditions applicable to loans made under the program. Except as otherwise provided in this section or regulations promulgated specifically for this loan program, such program shall be carried out in a manner which is consistent with other authorities available to the Secretary.

(2) To carry out the special loan program established by this section, there are hereby authorized beginning after the fiscal year 1980 to be appropriated \$5,000,000 from National Forest Fund receipts, to be deposited in a special fund in the Treasury of the United States to remain available until expended. Repayments of principal and interest and other recoveries on loans authorized by this section shall be credited to this fund and shall remain available until expended in order to carry out the purposes of this section.

(c) Study on increase of timber yields on national forest lands in Alaska; transmittal to Congress

Within three years after December 2, 1980, the Secretary shall prepare and transmit to the Senate and House of Representatives a study of opportunities (consistent with the laws and regulations applicable to the management of the National Forest System) to increase timber yields on national forest lands in Alaska.

(d) Identification of lands not suited for timber production; consideration of economic factors unnecessary

All provisions of section 6(k) of the National Forest Management Act of 1976 (16 U.S.C. 1604(k)) shall apply to the Tongass National Forest except that the Secretary need not consider economic factors in the identification of lands not suited for timber production.

(e) Protection of riparian habitat; maintenance of buffer zones in Tongass National Forest; relocation of prior independent sale or released volume

In order to assure protection of riparian habitat, the Secretary shall maintain a buffer zone of no less than one hundred feet in width on each side of all Class I streams in the Tongass National Forest, and on those Class II streams which flow directly into a Class I stream, within which commercial timber harvesting shall be prohibited, except where independent national forest timber sales have already been sold prior to March 1, 1990, or where volume has been released prior to March 1, 1990, to either the Alaska Pulp Corporation or the Ketchikan Pulp Company pursuant to the long-term timber sale contracts numbered 12-11-010-1545 and A10fs-1042 respectively. If such an independent timber sale or released volume is within the buffer zone, the Secretary shall make every effort to relocate such independent sale or released volume to an area outside of the buffer zone. The Secretary shall use best management practices, as defined in the Region 10 Soil and Water Conservation handbook¹ (FSH 2509.22), January 1990, to assure the protection of riparian habitat on streams or portions of streams not protected by such buffer zones. For the purposes of this subsection, the terms "Class I streams" and "Class II streams" mean the same as they do in the Region 10 Aquatic Habitat Management Handbook (FSH 2609.24), June 1986.

(f) Timber supply from Tongass National Forest for purchasers qualifying as "small business concerns"

Subject to appropriations, the provisions of this Act and other applicable law (including but not limited to the requirements of the National Forest Management Act of 1976 (Public Law 94-588)) and in order to assure the continuation of the Small Business Administration timber sale program, the Secretary shall, in consultation with the Administrator of the Small Business Administration and to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest to those purchasers qualifying as "small business concerns" under the Small Business Act as amended (15 U.S.C. 631 et seq.).

(Pub. L. 96-487, title VII, §705, Dec. 2, 1980, 94 Stat. 2420; Pub. L. 101-626, title I, §§101-103(a), 105(b), Nov. 28, 1990, 104 Stat. 4426, 4427.)

REFERENCES IN TEXT

The National Forest Management Act of 1976, referred to in subsecs. (a) and (f), is Pub. L. 94-588, Oct.

¹ So in original. Probably should be capitalized.

22, 1976, 90 Stat. 2949, as amended, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title. Section 6(k) of the Act (16 U.S.C. 1604(k)), probably means section 6(k) of the Forest and Rangeland Renewable Resources Planning Act of 1974, which is classified to section 1604(k) of this title, and which was added by section 6 of the Act. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

This Act, referred to in subsec. (f), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Small Business Act, referred to in subsec. (f), is Pub. L. 85-536, §2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-626, §101, added subsec. (a) and struck out former subsec. (a) which read as follows: “The Congress authorizes and directs that the Secretary of the Treasury shall make available to the Secretary of Agriculture the sum of at least \$40,000,000 annually or as much as the Secretary of Agriculture finds is necessary to maintain the timber supply from the Tongass National Forest to dependent industry at a rate of four billion five hundred million foot board measure per decade. Such sums will be drawn from receipts from oil, gas, timber, coal, and other natural resources collected by the Secretary of Agriculture and the Secretary of the Interior notwithstanding any other law providing for the distribution of such receipts: *Provided*, That such funds shall not be subject to deferral or rescission under the Budget Impoundment and Control Act of 1974, and such funds shall not be subject to annual appropriation.”

Subsec. (d). Pub. L. 101-626, §102, added subsec. (d) and struck out former subsec. (d) which read as follows: “The provisions of this section shall apply notwithstanding the provisions of section 6(k) of the National Forest Management Act of 1976 (90 Stat. 2949).”

Subsec. (e). Pub. L. 101-626, §103(a), added subsec. (e).
Subsec. (f). Pub. L. 101-626, §105(b), added subsec. (f).

SHORT TITLE OF 1990 AMENDMENT

Section 1(a) of Pub. L. 101-626 provided that: “This Act [amending this section and sections 472a and 539e of this title, enacting provisions listed in a table of Wilderness Areas set out under section 1132 of this title, and enacting provisions set out as notes under this section and section 539e of this title] may be cited as the ‘Tongass Timber Reform Act.’”

STUDY CONTAINING RECOMMENDATIONS ON NEED TO STANDARDIZE RIPARIAN MANAGEMENT PRACTICES IN TONGASS NATIONAL FOREST

Section 103(b) of Pub. L. 101-626 provided that: “No later than one year after the date of enactment of this Act [Nov. 28, 1990], the Secretary of Agriculture, in consultation with the State of Alaska, the National Marine Fisheries Service, and affected private land owners, shall prepare and transmit to the Congress a study containing recommendations on the need, if any, to standardize riparian management practices for Federal, State, and private lands within the Tongass National Forest.”

APPLICATION OF AMENDMENTS BY PUB. L. 101-626 TO CERTAIN LONG-TERM TIMBER SALE CONTRACTS

Section 105(c) of Pub. L. 101-626 provided that: “The provisions of subsections (a) and (b) of this section

[amending this section and section 472a of this title] shall not apply to the purchase of timber within the Tongass National Forest pursuant to the long-term timber sale contracts numbered 12-11-010-1545 and A10fs-1042 between the United States and the Alaska Pulp Corporation, and between the United States and the Ketchikan Pulp Company, respectively.”

APPLICABILITY OF SUBSECTION (a) FROM OCTOBER 1, 1987 UNTIL SEPTEMBER 30, 1989

Pub. L. 100-203, title V, §5202, Dec. 22, 1987, 101 Stat. 1330-267, provided that from the period beginning on October 1, 1987, and extending until September 30, 1989, the provisions of subsec. (a) of this section was not effective, and that in lieu thereof, the following provision was to apply: “There is hereby authorized to be appropriated the sum of at least \$40,000,000 annually (or such sums as the Secretary of Agriculture determines necessary) to maintain the timber supply from the Tongass National Forest to dependent industry at a rate of 4,500,000,000 foot board measure per decade.”

§ 539e. Reports

(a) Timber supply and demand in southeastern Alaska

The Secretary is directed to monitor timber supply and demand in southeastern Alaska and report annually thereon to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(b) Status of Tongass National Forest in southeastern Alaska; contents

Within five years from December 2, 1980, and every two years thereafter the Secretary shall review and report to Congress on the status of the Tongass National Forest in southeastern Alaska. This report shall include, but not be limited to, (1) the timber harvest levels in the forest since December 2, 1980; (2) the impact of wilderness designation on the timber, fishing, and tourism industry in southeast Alaska; (3) measures instituted by the Forest Service to protect fish and wildlife in the forest; (4) the status of the small business set aside program in the Tongass Forest,¹ and (5) the impact of timber management on subsistence resources, wildlife, and fisheries habitats.

(c) Cooperation and consultation

The study required by this section shall be conducted in cooperation and consultation with the State, affected Native Corporations, the southeast Alaska timber industry, the Southeast Alaska Conservation Council, the southeast Alaska commercial fishing industry, and the Alaska Land Use Council.²

(Pub. L. 96-487, title VII, §706, Dec. 2, 1980, 94 Stat. 2420; Pub. L. 101-626, title I, §104, Nov. 28, 1990, 104 Stat. 4427; Pub. L. 103-437, §6(d)(31), Nov. 2, 1994, 108 Stat. 4584.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

1990—Subsec. (a). Pub. L. 101-626, §104(a), struck out at end “If, at any time after December 2, 1980, the Secretary finds that the available land base in the Tongass

¹ So in original. The comma probably should be a semicolon.

² So in original.

National Forest is inadequate to maintain the timber supply from the Tongass National Forest to dependent industry at the rate of four billion five hundred million foot board measure per decade, he shall include such information in his report.”

Subsec. (b). Pub. L. 101-626, §104(a), added cl. (5).

Subsec. (c). Pub. L. 101-626, §104(b), substituted “the southeast Alaska commercial fishing industry, and the Alaska Land Use Council.” for “and the Alaska Land Use Council”.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b) of this section relating to reporting to Congress, every two years, on the status of the Tongass National Forest, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 48 of House Document No. 103-7.

STUDY REGARDING FEASIBILITY OF ACQUIRING PREVIOUSLY HARVESTED PRIVATE LANDS IN TONGASS NATIONAL FOREST

Section 501 of Pub. L. 101-626 directed the Secretary, no later than one year after Nov. 28, 1990, to complete a study regarding feasibility of acquiring private lands located within boundary of the Tongass National Forest, which have been significantly harvested and to transmit the study to specific committees of Congress.

§ 539f. Nonprofit organization user of national forest lands

(a) Permits for organization camps; waiver of charges; performance of services; loss of entitlement

Notwithstanding any other provision of law, the Secretary of Agriculture is directed to waive annually without charge all or a portion of payment or rental fees required under terms of a permit for use of certain lands of the National Forest System as organization camps by local units of the Boy Scouts of America or such other nonprofit organization when such local units of the Boy Scouts of America or such nonprofit organization are willing to perform services, as the Secretary prescribes and determines will yield a valuable benefit to the public and to the program of the Secretary of such lands. If the Secretary determines that a local unit of the Boy Scouts of America or such other nonprofit organization has not fully performed such services, such organization shall not be entitled in the subsequent year to waiver under the provisions of this section.

(b) “Other nonprofit organization” defined

The term “other nonprofit organization” shall mean (1) a nonprofit organization holding an exemption under section 501(c) of title 26; and (2) a nonprofit association or nonprofit corporation, which is not controlled or owned by profit-making corporations or business enterprises, and which is engaged in public or semipublic activity to further public health, safety, or welfare.

(Pub. L. 98-478, §3, Oct. 16, 1984, 98 Stat. 2216; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

§ 539g. Kings River Special Management Area

(a) Establishment

In order to provide for public outdoor recreation use and enjoyment of certain areas within the Sierra National Forest and the Sequoia National Forest, to protect those areas’ natural, archaeological, and scenic resources, and to provide for appropriate fish and wildlife management of those areas, there is hereby established the Kings River Special Management Area (hereinafter in this Act referred to as the “special management area”). The special management area shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as “the Secretary”) through the Sierra National Forest.

(b) Area included

The special management area shall consist of the lands, waters, and interests therein within the area generally depicted on the map entitled “Boundary Map, Kings River Special Management Area”, dated April 1987. The map shall be on file and available for public inspection in the offices of the National Forest Service, Department of Agriculture. The Secretary of Agriculture may from time to time make minor revisions of the boundary of the special management area.

(c) Administration

The Secretary shall administer the special management area in accordance with this Act and with the provisions of law generally applicable to units of the National Forest System. In the case of any conflict between the provisions of such Acts, the provisions of this Act shall govern. In the administration of the special management area the Secretary may utilize such statutory authority as may be available to him for the conservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act. Nothing in this Act shall be construed to prohibit grazing within the special management area to the same extent, and in accordance with the same rules and regulations as applicable in the absence of this Act. The Secretary may permit the cutting of timber within the special management area only in those cases where in the judgment of the Secretary the cutting of such timber is required in order to control the attacks of fire, insects, or diseases or to otherwise conserve the scenery or the natural or historical objects in the area.

(d) Mining and mineral leasing

Subject to valid existing rights, lands within the special management area are withdrawn from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States and from operation of the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.].

(e) Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters within the special management area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons

of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies, regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) Management plan

After consultation with the State of California, the Secretary shall publish a management plan for the special management area within three years after November 3, 1987. The plan shall provide for public outdoor recreation use and enjoyment of the special management area, protect the area's natural, archeological, and scenic resources, and provide for appropriate fish and wildlife management within the area. The plan shall contain provisions for management of vegetation within the area designed to enhance the wildlife carrying capacity of the area. The plan shall permit off-road vehicular use of off-road trails to the same extent and in the same locations as was permitted before November 3, 1987. The plan shall provide for the development of hiking trails in the special management area and shall include a trail from Garlic Creek to Little Tehipite Valley.

(g) Access to private lands

If any State or privately owned land or any valid mining claim or other valid occupancy is within the special management area, or if State or private subsurface rights underlie public lands within the special management area, the Secretary shall provide the State or private owner, claimant, or occupier and their successors in interest such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the site concerned. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of the special management area, taking into account the traditional and customary means of access used prior to November 3, 1987.

(h) Specific protections

In recognition of the dispute that exists over whether a dam project should be constructed in the segment of the Main Stem of the Kings River from the point at elevation 1,595 feet above mean sea level downstream to the point at elevation 990 feet above mean sea level, Congress declares its intention at this time not to designate that segment of the Kings River as a component of the Wild and Scenic Rivers System. Notwithstanding any other provision of law, no Federal lands may be used for the construction of any dam or diversion within the boundaries of the special management area without specific authority of the Congress. In order to protect the natural, cultural, recreational, fishery, and wildlife values of the river segment referred to in this subsection, that segment shall be subject to the provisions of section 1278(a) of this title, in the same manner as if it were designated. Nothing in this Act shall preclude the Kings River Conservation District from conducting studies as it may deem appropriate.

(Pub. L. 100-150, §2, Nov. 3, 1987, 101 Stat. 881.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (c), and (h), is Pub. L. 100-150, Nov. 3, 1987, 101 Stat. 881, which enacted this section and amended section 1274 of this title. For complete classification of this Act to the Code, see Tables.

The mining laws and the mineral leasing laws of the United States, referred to in subsec. (d), are classified generally to Title 30, Mineral Lands and Mining.

The Geothermal Steam Act of 1970, referred to in subsec. (d), is Pub. L. 91-581, Dec. 24, 1970, 84 Stat. 1566, as amended, which is classified principally to chapter 23 (§1001 et seq.) of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 30 and Tables.

§ 539h. Greer Spring Special Management Area

(a) Objectives and establishments

In order to provide for public outdoor recreation use, including fishing and hunting, in a natural setting, and the enjoyment of certain areas within the Mark Twain National Forest, to protect those areas' natural, archaeological, and scenic resources, and to provide for appropriate resource management of those areas, there is hereby established the Greer Spring Special Management Area (hereinafter referred to as "the special management area"). The Secretary shall manage the special management area in accordance with this Act, and with provisions of law generally applicable to units of the National Forest System to the extent consistent with this Act.

(b) Area included

The special management area shall consist of lands, waters, and interests therein within the area referred to on the map as "The Greer Spring Special Management Area". The Secretary is authorized to make minor revisions to the boundary of the special management area.

(c) Timber harvesting

The Secretary shall permit the harvesting of timber within the special management area only in those cases where, in the judgment of the Secretary, the harvesting of timber is required in order to control insects or disease, for public safety, for salvage sales, or to accomplish the objectives of the special management area as described in subsection (a) of this section. To the extent practicable, timber harvesting shall be conducted only by the individual tree selection method.

(d) Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters within the special management area in accordance with applicable Federal and State law.

(e) Mining and mineral leasing

Subject to valid, existing rights, lands within the special management areas are withdrawn from location, entry, and patent under the mining laws of the United States, and from the operation of the mineral and geothermal leasing laws of the United States.

(f) Vehicular access

The Secretary shall construct and maintain only those roads within the special management area and corridor which are indicated on the

map: *Provided*, That the Secretary shall provide access to such roads, or to timber harvesting pursuant to subsection (c) of this section, in such a manner as to minimize environmental impact.

(Pub. L. 102-220, § 4, Dec. 11, 1991, 105 Stat. 1674.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 102-220, Dec. 11, 1991, 105 Stat. 1674, known as the Greer Spring Acquisition and Protection Act of 1991, which enacted this section and provisions set out below. For complete classification of this Act to the Code, see section 1 of Pub. L. 102-220, set out below, and Tables.

The mining laws and the mineral leasing laws of the United States, referred to in subsec. (e), are classified generally to Title 30, Mineral Lands and Mining.

Geothermal leasing laws of the United States, referred to in subsec. (e), are classified principally to chapter 23 (§1001 et seq.) of Title 30.

GREER SPRING ACQUISITION AND PROTECTION

Sections 1 to 3 and 5 of Pub. L. 102-220 provided that:

“SECTION 1. SHORT TITLE.

“This Act [enacting this section] may be cited as the ‘Greer Spring Acquisition and Protection Act of 1991’.

“SEC. 2. ACQUISITION OF THE DENNIG TRACT.

“(a) The Secretary of Agriculture (hereinafter referred to as the ‘Secretary’) is hereby authorized and directed, subject to appropriations, to acquire all of the lands, waters, and interests therein, on a willing seller basis only, within the area generally depicted on a map entitled ‘Dennig Tract’, dated November 5, 1991 (hereinafter referred to as ‘the map’). The map, together with a legal description of such lands, shall be on file and available for public inspection in the offices of the Forest Service, Department of Agriculture. The boundaries of the Mark Twain National Forest are hereby modified to include the area denoted ‘Dennig Property Outside of National Forest Boundary’ on the map. Such map and legal description shall have the same force and effect as if included in this Act, except that the correction of clerical and typographical errors in such map and legal description may be made by the Secretary.

“(b) Such modified boundaries shall be considered as the boundaries in existence as of January 1, 1965, for the purposes of section 7 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-9).

“SEC. 3. ELEVEN POINT WILD AND SCENIC RIVER.

“The Secretary shall manage the lands, waters, and interests therein within the area referred to on the map as ‘The Eleven Point Wild and Scenic Corridor’ (hereinafter referred to as ‘the corridor’), pursuant to the provisions of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287). Lands acquired pursuant to section 2 of this Act within the corridor shall not be counted against the average one-hundred-acre-per-mile fee limitation of Section 6(a)(1) of the Wild and Scenic Rivers Act [16 U.S.C. 1277(a)(1)], nor shall such lands outside the corridor be subject to the provisions of Section 6(a)(2) of the Wild and Scenic Rivers Act.

“SEC. 5. APPROPRIATIONS.

“There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.”

§ 539i. Fossil Ridge Recreation Management Area

(a) Establishment

(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the “recreation management area”).

(2) The recreation management area shall consist of certain lands in the Gunnison National Forest, Colorado, which comprise approximately 43,900 acres, as generally depicted as “Area A” on a map entitled “Fossil Ridge Wilderness Proposal”, dated January, 1993.

(b) Administration

The Secretary of Agriculture shall administer the recreation management area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal

Subject to valid existing rights, all lands within the recreation management area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) Timber harvesting

No timber harvesting shall be allowed within the recreation management area except to the extent that would be permitted in wilderness under section 1133(d)(1) of this title for necessary control of fire, insects, and diseases, and for public safety.

(e) Livestock grazing

The designation of the recreation management area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

(f) Development

No developed campgrounds shall be constructed within the recreation management area. After August 13, 1993, no new roads or trails may be constructed within the recreation management area.

(g) Off-road recreation

Motorized travel shall be permitted within the recreation management area only on those established trails and routes existing as of July 1, 1991, on which such travel was permitted as of such date, except that other trails and routes may be used where necessary for administrative purposes or to respond to an emergency. No later than one year after August 13, 1993, the Secretary shall identify such routes and trails and shall prepare and make available to the public a map showing such routes and trails. Nothing in this subsection shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

(Pub. L. 103-77, § 5, Aug. 13, 1993, 107 Stat. 760.)

SHORT TITLE

Section 1(a) of Pub. L. 103-77 provided that: “This Act [enacting this section and section 539j of this title, enacting provisions set out as a note under section 539j of this title, and enacting and amending provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the ‘Colorado Wilderness Act of 1993’.”

§ 539j. Bowen Gulch Protection Area**(a) Establishment**

(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres, as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993.

(b) Administration

The Secretary shall administer the protection area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) Withdrawal

Subject to valid existing rights, all lands within the protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) Development

No developed campgrounds shall be constructed within the protection area. After August 13, 1993, no new roads or trails may be constructed within the protection area.

(e) Timber harvesting

No timber harvesting shall be allowed within the protection area except to the extent that would be permitted in wilderness under section 1133(d)(1) of this title for necessary control of fire, insects, and diseases, and for public safety.

(f) Motorized travel

Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the protection area.

(g) Management plan

During the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public comment.

(Pub. L. 103-77, § 6, Aug. 13, 1993, 107 Stat. 761.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 103-77, Aug. 13, 1993, 107 Stat. 756, known as the Colorado Wilderness Act of 1993. For complete classification of this Act to the Code, see Short Title note set out under section 539i of this title and Tables.

DEFINITIONS

Section 1(b) of Pub. L. 103-77 provided that:

"(1) As used in this Act [see Short Title note set out under section 539i of this title] with reference to lands in the National Forest System, the term 'the Secretary' means the Secretary of Agriculture.

"(2) As used in this Act with respect to lands not in the National Forest System, the term 'the Secretary' means the Secretary of the Interior."

§ 539k. Kelly Butte Special Management Area**(a) Establishment**

Upon conveyance to the United States of the Plum Creek offered lands in the Kelly Butte area, there is hereby established the Kelly Butte Special Management Area in the Mt. Baker-Snoqualmie National Forest, Washington, comprising approximately 5,642 acres, as generally depicted on a map entitled "Kelly Butte Special Management Area", dated October 1998.

(b) Management

The Kelly Butte Special Management Area shall be managed by the Secretary in accordance with the laws, rules and regulations generally applicable to National Forest System lands, and subject to the following additional provisions:

(1) the Area shall be managed with special emphasis on:

(A) preserving its natural character and protecting and enhancing water quality in the upper Green River watershed;

(B) permitting hunting and fishing;

(C) providing opportunities for primitive and semi-primitive recreation and scientific research and study;

(D) protecting and enhancing populations of fish, wildlife and native plant species; and

(E) allowing for traditional uses by native American peoples;

(2) commercial timber harvest and road construction shall be prohibited;

(3) the Area shall be closed to the use of motor vehicles, except as may be necessary for administrative purposes or in emergencies (including rescue operations) to protect public health and safety; and

(4) the Area shall, subject to valid existing rights, be permanently withdrawn from all forms of entry and appropriation under the U.S. mining laws and mineral leasing laws, including the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.].

(c) No buffer zones

Congress does not intend that the designation of the Kelly Butte Special Management Area lead to the creation of protective perimeters or buffer zones around the Area. The fact that non-compatible activities or uses can be seen or heard from within the Kelly Butte Special Management Area shall not, of itself, preclude such activities or uses up to the boundary of the Area.

(Pub. L. 105-277, div. A, §101(e) [title VI, §611], Oct. 21, 1998, 112 Stat. 2681-231, 2681-334.)

REFERENCES IN TEXT

The Geothermal Steam Act of 1970, referred to in subsec. (b)(4), is Pub. L. 91-581, Dec. 24, 1970, 84 Stat. 1566, which is classified principally to chapter 23 (§1001 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 30 and Tables.

INTERSTATE 90 LAND EXCHANGE

Pub. L. 106-113, div. B, §1000(a)(3) [title III, §346(a), (e)-(g), (i)], Nov. 29, 1999, 113 Stat. 1535, 1501A-204, 1501A-206, provided that:

“(a) This section [enacting and amending provisions set out as notes below] shall be referred to as the ‘Interstate 90 Land Exchange Amendment’.

“(e) Section 604(b) [section 101(e) [title VI, § 604(b)] of Pub. L. 105-277, set out below] is further amended by inserting the following before the colon: ‘except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 16, Township 12 North, Range 7 East, Sections 4 and 5, W.M., Township 13 North, Range 7 East, Sections 32 and 33, W.M., Township 8 North, Range 4 East, Section 17 and the S $\frac{1}{2}$ of 16, W.M., which shall be retained by the United States’. The Appraisal shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, Township 12 North, Range 7 East, Sections 4 and 5, W.M., Township 13 North, Range 7 East, Sections 32 and 33, W.M., Township 8 North, Range 4 East, Section 17 and the S $\frac{1}{2}$ of Section 16, W.M. during the Appraisal process in the context of the whole estate to be conveyed.

“(f) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as follows:

“(1) the appraised value of the offered lands, as such lands and appraised value have been adjusted hereby, minus the appraised value of the offered lands to be placed into escrow, shall be compared to the appraised value of the selected lands, as such lands and appraised value have been adjusted hereby, and the Secretary shall equalize such values by the payment of cash to Plum Creek at the time that deeds are exchanged, such cash to come from currently appropriated funds, or, if necessary, by reprogramming; and

“(2) the Secretary shall compensate Plum Creek for the lands placed into escrow, based upon the values determined for each such parcel during the Appraisal process in the context of the whole estate to be conveyed, through the following, including any combination thereof:

“(A) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

“(B) to the extent sufficient acceptable lands are not available pursuant to paragraph (A) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

The Secretary shall promptly seek to identify lands acceptable to equalize values under paragraph (A) of this subsection and shall, not later than July 1, 2000, provide a report to the Congress outlining the results of such efforts.

“(g) As funds or lands are provided to Plum Creek by the Secretary, Plum Creek shall release to the United States deeds for lands and interests in lands held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed. Deeds shall be released for lands and interests in lands in the following order: Township 21 North, Range 12 East, Section 15, W.M., Township 21 North, Range 12 East, Section 23, W.M., Township 21 North, Range 12 East, Section 25, W.M., Township 19 North, Range 13 East, Section 7, Township 19 North, Range 15 East, Section 31, Township 19 North, Range 14 East, Section 25, Township 22 North, Range 11 East, Section 3, W.M., and Township 22 North, Range 11 East, Section 19, W.M.

“(i) The deadline for the Report to Congress required by section 609(c) of the Interstate 90 Land Exchange Act of 1998 [section 101(e) [title VI, § 609(c)] of Pub. L. 105-277, set out below] is hereby extended. Such Report is due to the Congress 18 months from the date of the enactment of this Interstate 90 Land Exchange Amendment [Nov. 29, 1999].”

Pub. L. 105-277, div. A, § 101(e) [title VI], Oct. 21, 1998, 112 Stat. 2681-231, 2681-326, as amended by Pub. L.

106-113, div. B, § 1000(a)(3) [title III, § 346(b)-(e), (h), (j)], Nov. 29, 1999, 113 Stat. 1535, 1501A-204 to 1501A-206, provided that:

“SEC. 601. SHORT TITLE.

“This Act [probably should be “this title” meaning Pub. L. 105-277, div. A, § 101(e) [title VI]] may be cited as the ‘Interstate 90 Land Exchange Act of 1998’.

“SEC. 602. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress finds that—

“(1) certain parcels of private land located in central and southwest Washington are intermingled with National Forest System land owned by the United States and administered by the Secretary of Agriculture as parts of the Mt. Baker-Snoqualmie National Forest, Wenatchee National Forest, and Gifford Pinchot National Forest;

“(2) the private land surface estate and some subsurface is owned by the Plum Creek Timber Company, L.P. in an intermingled checkerboard pattern, with the United States or Plum Creek owning alternate square mile sections of land or fractions of square mile sections;

“(3) the checkerboard land ownership pattern in the area has frustrated sound and efficient land management on both private and National Forest lands by complicating fish and wildlife habitat management, watershed protection, recreation use, road construction and timber harvest, boundary administration, and protection and management of threatened and endangered species and old growth forest habitat;

“(4) acquisition by the United States of certain parcels of land that have been offered by Plum Creek for addition to the Mt. Baker-Snoqualmie National Forest and Wenatchee National Forest will serve important public objectives, including—

“(A) enhancement of public access, aesthetics and recreation opportunities within or near areas of very heavy public recreational use including—

“(i) the Alpine Lakes Wilderness Area;

“(ii) the Pacific Crest Trail;

“(iii) Snoqualmie Pass;

“(iv) Cle Elum Lake, Kachess Lake and Keechulus Lake; and

“(v) other popular recreation areas along the Interstate 90 corridor east of the Seattle-Tacoma Metropolitan Area;

“(B) protection and enhancement of old growth forests and habitat for threatened, endangered and sensitive species, including a net gain of approximately 28,500 acres of habitat for the northern spotted owl;

“(C) consolidation of National Forest holdings for more efficient administration and to meet a broad array of ecosystem protection and other public land management goals, including net public gains of approximately 283 miles of stream ownership, 14 miles of the route of the Pacific Crest Trail, 20,000 acres of unroaded land, and 7,360 acres of riparian land; and

“(D) a significant reduction in administrative costs to the United States through—

“(i) consolidation of Federal land holdings for more efficient land management and planning;

“(ii) elimination of approximately 300 miles of boundary identification and posting;

“(iii) reduced right-of-way, special use, and other permit processing and issuance for roads and other facilities on National Forest System land; and

“(iv) other administrative cost savings;

“(5) Plum Creek has selected certain parcels of National Forest System land that are logical for consolidation into Plum Creek ownership utilizing a land exchange because the parcels—

“(A) are intermingled with parcels owned by Plum Creek; and

“(B)(i) are generally located in less environmentally sensitive areas than the Plum Creek offered land; and

“(ii) have lower public recreation and other public values than the Plum Creek offered land;

“(6) time is of the essence in consummating a land exchange because delays may force Plum Creek to road or log the offered land and thereby diminish the public values for which the offered land is to be acquired; and

“(7) it is in the public interest to complete the land exchange at the earliest practicable date so that the offered land can be acquired and preserved by the United States for permanent public management, use, and enjoyment.

“(b) PURPOSE.—It is the purpose of this Act to further the public interest by authorizing, directing, facilitating, and expediting the consummation of the Interstate 90 land exchange so as to ensure that the offered land is expeditiously acquired for permanent public use and enjoyment.

“SEC. 603. DEFINITIONS.

“In this Act:

“(1) OFFERED LAND.—The term ‘offered land’ means all right, title and interest, including the surface and subsurface interests, in land described in section 604(a) to be conveyed into the public ownership of the United States under this Act.

“(2) PLUM CREEK.—The term ‘Plum Creek’ means Plum Creek Timber Company, L.P., a Delaware Limited Partnership, or its successors, heirs, or assigns.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(4) SELECTED LAND.—The term ‘selected land’ means all right, title and interest, including the surface and subsurface interests, unless Plum Creek agrees otherwise, in land described in section 604(b) to be conveyed into the private ownership of Plum Creek under this Act.

“SEC. 604. LAND EXCHANGE.

“(a) CONDITION AND CONVEYANCE OF OFFERED LAND.—The exchange directed by this Act shall be consummated if Plum Creek conveys title acceptable to the Secretary in and to the lands described in subsection (d), the offered lands described in paragraphs (1) and (2), or, if necessary, the lands and interests in land as provided in subsection (c) except title to offered lands and interests in lands described as follows: Township 21 North, Range 12 East, Section 15, W.M., Township 21 North, Range 12 East, Section 23, W.M., Township 21 North, Range 12 East, Section 25, W.M., Township 19 North, Range 13 East, Section 7, W.M., Township 19 North, Range 15 East, Section 31, W.M., Township 19 North, Range 14 East, Section 25, W.M., Township 22 North, Range 11 East, Section 3, W.M., and Township 22 North, Range 11 East, Section 19, W.M. must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a 3-year period beginning on the later of the date of the enactment of this Act [Oct. 21, 1998] or consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld.

“(1) Certain land comprising approximately 8,808 acres and located within the exterior boundaries of the Mt. Baker-Snoqualmie National Forest, Washington, as generally depicted on a map entitled ‘Interstate 90 Land Exchange’, dated October 1998; and

“(2) Certain land comprising approximately 53,576 acres and located within or adjacent to the exterior boundaries of the Wenatchee National Forest, Washington, as generally depicted on a map entitled ‘Interstate 90 Land Exchange’, dated October 1998 except the following parcels: Township 19 North, Range 15 East, Section 29, W.M., Township 18 North, Range 15 East, Section 3, W.M., Township 19 North, Range 14 East, Section 9, W.M., Township 21 North, Range 14 East, Section 7, W.M., Township 22 North, Range 12 East, Section 35, W.M., Township 22 North, Range 13 East, Section 3, W.M., Township 22 North, Range 13

East, Section 9, W.M., Township 22 North, Range 13 East, Section 11, W.M., Township 22 North, Range 13 East, Section 13, W.M., Township 22 North, Range 13 East, Section 15, W.M., Township 22 North, Range 13 East, Section 25, W.M., Township 22 North, Range 13 East, Section 33, W.M., Township 22 North, Range 13 East, Section 35, W.M., Township 22 North, Range 14 East, Section 7, W.M., Township 22 North, Range 14 East, Section 9, W.M., Township 22 North, Range 14 East, Section 11, W.M., Township 22 North, Range 14 East, Section 15, W.M., Township 22 North, Range 14 East, Section 17, W.M., Township 22 North, Range 14 East, Section 21, W.M., Township 22 North, Range 14 East, Section 31, W.M., Township 22 North, Range 14 East, Section 27, W.M. The appraisal approved by the Secretary of Agriculture on June 14, 1999 (the ‘Appraisal’) shall be adjusted by subtracting the values for the parcels described in the preceding sentence determined during the Appraisal process in the context of the whole estate to be conveyed.

“(b) CONVEYANCE OF SELECTED LAND BY THE UNITED STATES.—Upon receipt of acceptable title to the offered land, as provided in section 604(a), and placement in escrow of acceptable title to Township 22 North, Range 11 East, Section 3, W.M., Township 22 North, Range 11 East, Section 19, W.M., Township 21 North, Range 12 East, Section 15, W.M., Township 21 North, Range 12 East, Section 23, W.M., Township 21 North, Range 12 East, Section 25, W.M., Township 19 North, Range 13 East, Section 7, W.M., Township 19 North, Range 15 East, Section 31, W.M., and Township 19 North, Range 14 East, Section 25, W.M., and lands and interests described in subsection (d), the Secretary shall simultaneously convey to Plum Creek all right, title and interest of the United States, subject to valid existing rights, in and to the following selected land except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W¹/₂W¹/₂ of Section 16, Township 12 North, Range 7 East, Sections 4 and 5, W.M., Township 13 North, Range 7 East, Sections 32 and 33, W.M., Township 8 North, Range 4 East, Section 17 and the S¹/₂ of 16, W.M., which shall be retained by the United States:

“(1) Certain land administered, as of the date of enactment of this Act [Oct. 21, 1998], by the Secretary of Agriculture as part of the Mt. Baker-Snoqualmie National Forest, Washington, and comprising approximately 5,697 acres, as generally depicted on a map entitled ‘Interstate 90 Land Exchange’, dated October 1998.

“(2) Certain land administered, as of the date of enactment of this Act, by the Secretary of Agriculture as part of the Wenatchee National Forest, Washington, and comprising approximately 5,197 acres, as generally depicted on a map entitled ‘Interstate 90 Land Exchange’, dated October 1998.

“(3) Certain land administered, as of the date of enactment of this Act, by the Secretary of Agriculture as part of the Gifford Pinchot National Forest, Washington, and comprising approximately 5,601 acres, as generally depicted on a map entitled ‘Interstate 90 Land Exchange’, dated October 1998.

“(c) OFFERED LAND TITLE.—If Plum Creek conveys title acceptable to the Secretary to less than all rights and interests in the offered lands, but conveys title acceptable to the Secretary to all rights and interests that Plum Creek owns and acquires under previous agreements in the lands described in subsection (d), the offered lands, and lands on the east and west sides of Cle Elum Lake, comprising approximately 252 acres, described as Township 21 North, Range 14 East, Section 5, and Lost Lake lands comprising approximately 272 acres, described as Township 21 North, Range 11 East, W¹/₂ of Section 3, the Secretary shall convey to Plum Creek all rights and interest in the selected land after the values of the offered and selected land are equalized. The values of the offered and selected lands shall be equalized as provided in section 605(c)–(e) without regard to the value of lands described in subsection (d) or the Cle Elum or Lost Lake lands.

“(d) LAND DONATION.—Plum Creek agrees that it will convey, in the form of a voluntary donation, title acceptable to the Secretary in and to lands and interests in lands comprising approximately 320 acres, described as Township 22 North, Range 11 East, S½ of Section 13, if Plum Creek conveys title to lands and interests pursuant to subsections (a) or (c). It is the intention of Congress that any portion of such donated land which the Secretary determines qualifies as wilderness be, upon the date of its acquisition by the United States, incorporated in and managed as part of the adjacent Alpine Lakes Wilderness (as designated by Public Law 94-357) in accordance with section 6(a) of the Wilderness Act (16 U.S.C. 1135).

“SEC. 605. EXCHANGE VALUATION, APPRAISALS AND EQUALIZATION.

“(a) EQUAL VALUE EXCHANGE.—

“(1) IN GENERAL.—The values of the offered and selected land—

“(A) shall be equal; or

“(B) if the values are not equal, shall be equalized as set forth in subsections (c)–(e).

“(2) APPRAISAL ASSUMPTION.—In order to ensure the equitable and uniform appraisal of both the offered and selected land directed for exchange by this Act, all appraisals shall determine the highest and best use of the offered and selected land in accordance with applicable provisions of the Washington State Forest Practices Act and rules and regulations thereunder, including alternative measures for protecting critical habitat pursuant to a habitat conservation plan as provided in Washington Administrative Code 222-16-080-(6).

“(3) APPRAISALS.—The values of the offered land and selected land shall be determined by appraisals utilizing nationally recognized appraisal standards, including applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions (1992), the Uniform Standards of Professional Appraisal Practice, and section 206(d) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716(d)).

“(4) APPROVAL BY THE SECRETARY.—The appraisals, if not already completed by the date of enactment of this Act [Oct. 21, 1998], shall be completed and submitted to the Secretary for approval not later than 180 days after the date of enactment of this Act: *Provided*, That all timber harvest cease no later than November 30, 1998, except for any cleanup, reforestation, or other post-harvest work which cannot be completed by November 30, 1998. A comprehensive summary of the appraisal consistent with 7 CFR Part 1.11 shall be made available for public inspection in the Office of the Supervisor, Wenatchee National Forest, not less than 30 days nor more than 45 days prior to the exchange of deeds.

“(b) APPRAISAL PERIOD.—After the final appraised values of the offered and selected lands, or any portion of the land, have been approved by the Secretary or otherwise determined under section 206(d) of the Federal Land Policy and Management Act (43 U.S.C. 1716(d)), the value shall not be reappraised or updated before consummation of the land exchange, except to account for any timber harvest that might occur after completion of the final appraisal, or for any adjustments under section 606(g).

“(c) EQUALIZATION IF SURPLUS OF OFFERED LAND.—

“(1) IN GENERAL.—If the final appraised value of the offered land or lands and interest in lands conveyed by Plum Creek under section 604(c), except for the Cle Elum and Lost Lake lands, exceeds the final appraised value of the selected land, Plum Creek shall delete offered land parcels from the exchange in the exact order each land Section (or offered portion thereof) is listed in paragraph (2) until the values are approximately equal.

“(2) ORDER OF DELETION.—Offered land deletions under paragraph (1) shall be made in the following order:

“(A) Township 22 North, Range 13 East, Section 31, Willamette Meridian;

“(B) Township 21 North, Range 11 East, Section 35;

“(C) Township 19 North, Range 11 East, Section 35;

“(D) Township 19 North, Range 12 East, Section 1;

“(E) Township 20 North, Range 11 East, Sections 1 and 13;

“(F) Township 19 North, Range 12 East, Section 15;

“(G) Township 20 North, Range 11 East, Section 11;

“(H) Township 21 North, Range 11 East, Section 27;

“(I) Township 19 North, Range 13 East, Sections 27 and 15;

“(J) Township 21 North, Range 11 East, Sections 21 and 25;

“(K) Township 19 North, Range 11 East, Section 23;

“(L) Township 19 North, Range 13 East, Sections 21, 9 and 35;

“(M) Township 20 North, Range 12 East, Sections 35 and 27;

“(N) Township 19 North, Range 12 East, Section 11;

“(O) Township 21 North, Range 11 East, Section 17;

“(P) Township 21 North, Range 11 East, Section 5;

“(Q) Township 18 North, Range 15 East, Section 3;

“(R) Township 19 North, Range 14 East, Section 25;

“(S) Township 19 North, Range 15 East, Sections 29 and 31; and

“(T) Township 19 North, Range 13 East, Section 7.

“(d) EQUALIZATION IF SURPLUS OF SELECTED LAND.—

“(1) IN GENERAL.—If the final appraised value of the selected land exceeds the final appraised value of the offered land or lands and interest in lands conveyed by Plum Creek under section 604(c), except for the Cle Elum and Lost Lake lands, the Secretary shall delete selected land parcels from the exchange in the exact order each land Section (or selected portion thereof) is listed in paragraph (2) until the values are approximately equal.

“(2) ORDER OF DELETION.—Selected land deletions under paragraph 1 shall be made in the following list order:

“(A) the portion of Township 20 North, Range 11 East, Section 30 lying east of the thread of Sawmill Creek;

“(B) the portion of Township 19 North, Range 11 East, Section 6 lying east of the thread of Sawmill Creek;

“(C) Township 20 North, Range 11 East, Section 32;

“(D) Township 21 North, Range 14 East, Sections 28, 22, 36, 26 and 16;

“(E) Township 18 North, Range 15 East, Sections 13, 12 and 2;

“(F) Township 18 North, Range 15 East, Section 1; and

“(G) Township 18 North, Range 15 East, Section 17, Willamette Meridian.

“(e) Once the values of the offered and selected lands are equalized to the maximum extent practicable under subsections (c) or (d), any cash equalization balance due the Secretary or Plum Creek shall be made through cash equalization payments under subsection 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

“(f) USE OF PROCEEDS BY THE SECRETARY.—The amount of any cash equalization payment received by the Secretary under this section shall be retained by the Secretary and shall be used by the Secretary until fully expended to purchase land from willing sellers in the State of Washington for addition to the National Forest System.

“SEC. 606. MISCELLANEOUS PROVISIONS.

“(a) STATUS OF LANDS AFTER EXCHANGE.—

“(1) LAND ACQUIRED BY THE SECRETARY.—

“(A) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the Mt. Baker-Snoqualmie, Gifford Pinchot or Wenatchee National Forests, as appropriate.

“(B) MODIFICATION OF BOUNDARIES.—

“(1) If any land acquired by the Secretary lies outside the exterior boundaries of the national forests identified in subparagraph (A), the boundaries of the appropriate national forest are hereby modified to include such land.

“(2) Nothing in this section shall limit the authority of the Secretary to adjust the boundaries of such National Forests pursuant to section 11 of the Act of March 1, 1911 (commonly known as the ‘Weeks Act’) [16 U.S.C. 521].

“(3) For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9 [4607-9]) the boundaries of Mt. Baker-Snoqualmie, Wenatchee and Gifford Pinchot as modified by this Act shall be considered to be the boundaries of such forests as of January 1, 1965.

“(C) MANAGEMENT.—Land acquired by the Secretary under this Act shall have the status of lands acquired under the Act of March 1, 1911 [act Mar. 1, 1911, ch. 186, 36 Stat. 961, see Tables for classification] and shall be managed in accordance with the laws, rules, regulations and guidelines applicable to the National Forest System.

“(2) LAND ACQUIRED BY PLUM CREEK.—Land acquired by Plum Creek under this Act shall become private land for all purposes of law, unless the deed by which conveyance is made to Plum Creek contains a specific reservation.

“(b) POST-EXCHANGE ACCESS TO LAND.—

“(1) FINDING.—Congress finds that Plum Creek and the Secretary should have adequate and timely post-exchange access to lands acquired pursuant to this Act over existing primary, secondary, or other national forest system roads as may be needed.

“(2) INTENTION.—It is the intention of Congress that Plum Creek have access to all lands it acquires under this Act, and when such access requires construction of new roads, it shall be granted in compliance with the National Environmental Policy Act [of 1969] [42 U.S.C. 4321 et seq.], the Endangered Species Act [of 1973] [16 U.S.C. 1531 et seq.], the National Historic Preservation Act [16 U.S.C. 470 et seq.], and other applicable laws, rules, and regulations.

“(3) ACCESS WITHIN COST SHARE AGREEMENT AREAS.—Within Cost Share Construction and Use Agreement Areas, Plum Creek and the Secretary will convey road access, at no cost, to the lands acquired by each party upon consummation of the exchange pursuant to this Act in accordance with the appropriate terms and procedures of said cost share construction and use agreements.

“(4) ACCESS OUTSIDE COST SHARE AGREEMENT AREAS.—Outside of Cost Share Construction and Use Agreement Areas, the Secretary shall grant Plum Creek road access easements at no cost in a form set out in Forest Service Handbook 2709.12, 35. In the case of new road construction, they shall conform to the Secretary’s rules and regulations 36 CFR 251, subpart B, for the roads identified on the map entitled ‘Plum Creek Access Road Needs’, dated September 1998, including mitigation under existing law.

“(C) ACCESS TO CERTAIN LANDS ACQUIRED BY THE UNITED STATES.—Outside of Cost Share Construction and Use Agreement Areas, Plum Creek shall grant the Secretary road access easements at no cost on the locations identified by the Secretary in a format acceptable to the Secretary.

“(d) TIMING.—The Secretary and Plum Creek shall make the adjustments directed in section 604(a) and (b) and consummate the land exchange within 30 days of the enactment of the Interstate 90 Land Exchange Amendment [Nov. 29, 1999], unless the Secretary and Plum Creek mutually agree to extend the consummation date.

“(e) WITHDRAWAL OF SELECTED LAND.—Effective upon the date of enactment of this Act [Oct. 21, 1998], all selected land identified for exchange to Plum Creek under section 604(b) is hereby withdrawn from all forms of entry and appropriation under the U.S. mining and mineral leasing laws, including the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.], until such time as the exchange is consummated, or until a particular parcel or parcels are deleted from the exchange under section 605(d).

“(f) WITHDRAWAL OF CLE ELUM RIVER LANDS.—Lands acquired by the Secretary under this Act that are located in Township 23 North, Range 14 East, and Township 22 North, Range 14 East, Willamette Meridian, shall upon the date of their acquisition be permanently withdrawn from all forms of entry and appropriation under the U.S. mining and mineral leasing laws, including the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.].

“(g) PARCELS SUBJECT TO HISTORIC OR CULTURAL RESOURCE RESTRICTIONS.—

“(1) REPORT TO PLUM CREEK.—No later than 180 days after enactment of this Act [Oct. 21, 1998], the Secretary shall complete determinations and consultation under the National Historic Preservation Act [16 U.S.C. 470 et seq.] and submit a report to Plum Creek and other consulting parties under the National Historic Preservation Act listing by exact aliquot part description any parcel or parcels of selected land on which cultural properties have been identified and for which protection, use restrictions or mitigation requirements will be imposed. Such report shall include an exact description of each restriction or mitigation action required.

“(2) PLUM CREEK RESPONSE.—Within 30 days of receipt of the Secretary’s report under paragraph (1), Plum Creek shall notify the Secretary as to: (i) those parcels it will accept subject to the identified use restrictions or mitigation requirements; and (ii) those parcels it will not accept because the restrictions or mitigation requirements are deemed by Plum Creek to be an unacceptable encumbrance on the land.

“(3) PARCEL DELETION.—The Secretary shall delete from the selected land those parcels identified by Plum Creek as unacceptable for conveyance under paragraph (2).

“(4) APPRAISAL ADJUSTMENT.—The fair market value of any parcels deleted under paragraph (3), or any modification in fair market value caused by the use restrictions or mitigation requirements on land accepted by Plum Creek, shall be based on their contributory value to the final approved appraised value of the selected land and subtracted from such value prior to consummation of the exchange.

“(h) ACCESS LIMITATION.—The Secretary shall not grant any road easements that would access the offered lands listed in section 604(a) prior to consummation of the exchange: *Provided*, That this provision shall not apply should either party withdraw from the exchange.

“SEC. 607. LAND PURCHASE.

“(a) FINDING.—The Congress finds that certain lands owned by Plum Creek in the vicinity of the offered lands (but which are not included in the land exchange under this Act, or are deleted under section 605(c)) are highly desirable for addition to the National Forest System, and that Plum Creek has indicated its willingness to sell certain such lands to the United States. It is the intention of Congress that such lands be acquired by the United States, subject to the availability of funds, by purchase at fair market value consistent with the land acquisition procedures of the Secretary, and with the consent of Plum Creek, in order to preserve their outstanding scenic and natural values for the benefit of future generations.

“(b) PURCHASE CONSULTATION.—In furtherance of subsection (a), the Secretary is authorized and directed to consult with Plum Creek to determine the precise lands Plum Creek is willing to sell.

“(c) OTHER AGREEMENTS.—Nothing in this Act shall be construed to prohibit the Secretary from entering

into additional agreements or contracts with Plum Creek to purchase, exchange or otherwise acquire lands from Plum Creek in Washington or any other state under the laws, rules and regulations generally applicable to Federal land acquisitions.

“SEC. 608. TIETON RIVER STUDY.

“The Secretary is authorized and directed to consult with Plum Creek concerning opportunities for the United States to acquire by exchange or purchase Plum Creek lands along the Tieton River in Township 14 North, Range 15 East, Willamette Meridian.

“SEC. 609. FUTURE LAND EXCHANGE OPPORTUNITY.

“(a) FINDING.—The Congress finds that certain lands which were identified for exchange to the United States in the I-90 Land Exchange process have been, or may be, deleted from the final exchange under this Act due to value equalization or other reasons. However, some or all of such deleted lands, or other Plum Creek lands, may possess attributes that merit their conveyance to the United States in a follow-up land exchange, including lands in or around the Carbon River, the Yakima River, the Pacific Crest Trail, Watch Mountain and Goat Mountain on the Gifford Pinchot National Forest, the Green River and the Manastash late successional reserve.

“(b) FUTURE EXCHANGE.—In furtherance of subsection (a), the Secretary is authorized and directed to consult with Plum Creek in examining opportunities for the United States to acquire such deleted lands, or other Plum Creek lands in the State of Washington, in a future exchange.

“(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act [Oct. 21, 1998], the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources [now Committee on Natural Resources] of the United States House of Representatives briefly outlining future land exchange opportunities with Plum Creek, including those for which the Secretary is required to consult under section 608, which the Secretary determines merit detailed analysis and consideration. The Secretary should identify the most urgent acquisitions for purchase or exchange in the report.

“SEC. 610. WILDERNESS STUDY AREA.

“In furtherance of the purposes of the Wilderness Act [16 U.S.C. 1131 et seq.], if the land exchange directed by this Act is consummated, the area of land comprising approximately 15,000 acres, as generally depicted on a map entitled ‘Alpine Lakes Wilderness Study Area’, dated October 1998, shall be reviewed by the Secretary of Agriculture as to its suitability for preservation as wilderness. The Secretary shall submit a report and findings to the President, and the President shall submit his recommendations to the United States House of Representatives and United States Senate no later than three years after the first date on which deeds are exchanged to consummate the land exchange. Subject to valid existing rights and existing uses, such lands shall, until Congress determines otherwise or until December 31, 2003, be administered by the Secretary to maintain their wilderness character existing as of the date of enactment of this Act and potential for inclusion in the National Wilderness Preservation System, and shall be withdrawn from all forms of entry and appropriation under the U.S. mining and mineral leasing laws, including the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.].

“SEC. 611. KELLY BUTTE SPECIAL MANAGEMENT AREA.

“[Enacted this section.]

“SEC. 612. EFFECT ON COUNTY REVENUES.

“The Secretary shall consult with the appropriate Committees of Congress, and local elected officials in the counties in the State of Washington in which the offered lands are located, regarding options to mini-

mize the adverse effect on county revenues of the transfer of the offered lands from private to Federal ownership.”

§ 539I. Designation of James Peak Protection Area, Colorado

(a) Findings and purpose

(1) Findings

The Congress finds the following:

(A) The lands covered by this section include important resources and values, including wildlife habitat, clean water, open space, and opportunities for solitude.

(B) These lands also include areas that are suitable for recreational uses, including use of snowmobiles in times of adequate snow cover as well as use of other motorized and nonmotorized mechanical devices.

(C) These lands should be managed in a way that affords permanent protection to their resources and values while permitting continued recreational uses in appropriate locales and subject to appropriate regulations.

(2) Purpose

The purpose of this section is to provide for management of certain lands in the Arapaho/Roosevelt National Forest in a manner consistent with the 1997 Revised Land and Resources Management Plan for this forest in order to protect the natural qualities of these areas.

(b) Designation

The approximately 16,000 acres of land in the Arapaho/Roosevelt National Forest generally depicted on the map entitled “Proposed James Peak Protection Area”, dated September 2001, are hereby designated as the James Peak Protection Area (hereafter in this Act referred to as the “Protection Area”).

(c) Map and boundary description

As soon as practicable after August 21, 2002, the Secretary shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the Protection Area. The map and boundary description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and boundary description. The map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, and in the office of the Forest Supervisor of the Arapaho/Roosevelt National Forest.

(d) Management

(1) In general

Except as otherwise provided in this section, the Protection Area shall be managed and administered by the Secretary in the same manner as the management area prescription designations identified for these lands in the 1997 Revision of the Land and Resource Management Plan for the Arapaho/Roosevelt National Forest and the Pawnee National Grasslands.

Such management and administration shall be in accordance with the following:

(A) Grazing

Nothing in this Act, including the establishment of the Protection Area, shall affect grazing on lands within or outside of the Protection Area.

(B) Mining withdrawal

Subject to valid existing rights, all Federal land within the Protection Area and all land and interests in land acquired for the Protection Area by the United States are withdrawn from—

- (i) all forms of entry, appropriation, or disposal under the public land laws;
- (ii) location, entry, and patent under the mining laws; and
- (iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subparagraph shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(C) Motorized and mechanized travel

(i) Review and inventory

Not later than two years after August 21, 2002, the Secretary, in consultation with interested parties, shall complete a review and inventory of all roads and trails in the Protection Area on which use was allowed on September 10, 2001, except those lands managed under the management prescription referred to in subparagraph (F). During the review and inventory, the Secretary may—

(I) connect existing roads and trails in the inventoried area to other existing roads and trails in the inventoried area for the purpose of mechanized and other nonmotorized use on any lands within the Protection Area as long as there is no net gain in the total mileage of either roads or trails open for public use within the Protection Area; and

(II) close or remove roads or trails within the Protection Area that the Secretary determines to be undesirable, except those roads or trails managed pursuant to paragraph (2) of this subsection or subsection (e)(3) of this section.

(ii) After completion of inventory

After completion of the review and inventory required by clause (i), the Secretary shall ensure that motorized and mechanized travel within the Protection Area shall be permitted only on those roads and trails identified as open to use in the inventory or established pursuant to subparagraph (D).

(D) New roads and trails

No new roads or trails shall be established within the Protection Area except those which the Secretary shall establish as follows:

(i) Roads and trails established to replace roads or trails of the same character and scope which have become nonserviceable through reasons other than neglect.

(ii) Nonpermanent roads as needed for hazardous fuels reduction or other control of fire, insect or disease control projects, or other management purposes.

(iii) Roads determined to be appropriate for reasonable access under section 539I-1(b)(2) of this title.

(iv) A loop trail established pursuant to section 539I-3 of this title.

(v) Construction of a trail for non-motorized use following the corridor designated as the Continental Divide Trail.

(E) Timber harvesting

No timber harvesting shall be allowed within the Protection Area except to the extent needed for hazardous fuels reduction or other control of fire, insect or disease control projects, or protection of public health or safety.

(F) Special interest area

The management prescription applicable to the lands described in the 1997 Revision of the Land and Resource Management Plan as the James Peak Special Interest Area shall also be applicable to all the lands in the Protection Area that are bounded on the north by Rollins Pass Road, on the east by the Continental Divide, and on the west by the 11,300 foot elevation contour as shown on the map referred to in subsection (b) of this section. In addition, motorized vehicle use shall not be permitted on any part of the Rogers Pass trail.

(2) Natural gas pipeline

The Secretary shall allow for maintenance of rights-of-ways and access roads located within the Protection Area to the extent necessary to operate the natural gas pipeline permitted under the Arapaho/Roosevelt National Forest master permit numbered 4138.01 in a manner that avoids negative impacts on public safety and allows for compliance with Federal pipeline safety requirements. Such maintenance may include vegetation management, road maintenance, ground stabilization, and motorized vehicle access.

(3) Permanent Federal ownership

All right, title, and interest of the United States, held on or acquired after August 21, 2002, to lands within the boundaries of the Protection Area shall be retained by the United States.

(e) Issues related to water

(1) Statutory construction

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands within the Protection Area.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on August 21, 2002.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future protection area designation.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(2) Colorado water law

The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Protection Area.

(3) Water infrastructure

Nothing in this Act (including the provisions related to establishment or management of the Protection Area) shall affect, impede, interfere with, or diminish the operation, existence, access, maintenance, improvement, or construction of water facilities and infrastructure, rights-of-way, or other water-related property, interests, and uses, (including the use of motorized vehicles and equipment existing or located on lands within the Protection Area) on any lands except those lands managed under the management prescription referred to in subsection (d)(1)(F) of this section.

(Pub. L. 107-216, §3, Aug. 21, 2002, 116 Stat. 1056.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 107-216, Aug. 21, 2002, 116 Stat. 1055, which is classified principally to sections 5391 to 5391-5 of this title. For complete classification of this Act to the Code, see Short Title note below and Tables.

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.

SHORT TITLE

Pub. L. 107-216, §1, Aug. 21, 2002, 116 Stat. 1055, provided that: "This Act [enacting this section and sections 5391-1 to 5391-5 of this title and enacting and amending provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the 'James Peak Wilderness and Protection Area Act'."

"SECRETARY" DEFINED

Pub. L. 107-216, §2(c), Aug. 21, 2002, 116 Stat. 1056, provided in part that in sections 5391 to 5391-5 of this title "Secretary" means the Secretary of Agriculture.

§ 5391-1. Inholdings

(a) State Land Board lands

If the Colorado State Land Board informs the Secretary that the Board is willing to transfer to the United States some or all of the lands owned by the Board located within the Protection Area, the Secretary shall promptly seek to reach agreement with the Board regarding terms and conditions for acquisition of such lands by the United States by purchase or exchange.

(b) Jim Creek inholding

(1) Acquisition of lands

The Secretary shall enter into negotiations with the owner of lands located within the

portion of the Jim Creek drainage within the Protection Area for the purpose of acquiring the lands by purchase or exchange, but the United States shall not acquire such lands without the consent of the owner of the lands.

(2) Landowner rights

Nothing in this Act shall affect any rights of the owner of lands located within the Jim Creek drainage within the Protection Area, including any right to reasonable access to such lands by motorized or other means as determined by the Forest Service and the landowner consistent with applicable law and relevant and appropriate rules and regulations governing such access.

(c) Report

(1) In general

The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report concerning any agreement or the status of negotiations conducted pursuant to—

(A) subsection (a) of this section, upon conclusion of an agreement for acquisition by the United States of lands referred to in subsection (a) of this section, or 1 year after August 21, 2002, whichever occurs first; and

(B) subsection (b) of this section, upon conclusion of an agreement for acquisition by the United States of lands referred to in subsection (b) of this section, or 1 year after August 21, 2002, whichever occurs first.

(2) Funding information

The report required by this subsection shall indicate to what extent funds are available to the Secretary as of the date of the report for the acquisition of the relevant lands and whether additional funds need to be appropriated or otherwise made available to the Secretary for such purpose.

(d) Management of acquisitions

Any lands within the James Peak Wilderness or the Protection Area acquired by the United States after August 21, 2002, shall be added to the James Peak Wilderness or the Protection Area, respectively, and managed accordingly.

(Pub. L. 107-216, §4, Aug. 21, 2002, 116 Stat. 1059.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(2), is Pub. L. 107-216, Aug. 21, 2002, 116 Stat. 1055, which is classified principally to sections 5391 to 5391-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5391 of this title and Tables.

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.

§ 5391-2. James Peak Fall River trailhead

(a) Services and facilities

Following the consultation required by subsection (c) of this section, the Forest Supervisor of the Arapaho/Roosevelt National Forest in the

State of Colorado (in this section referred to as the “Forest Supervisor”) shall establish a trailhead and corresponding facilities and services to regulate use of National Forest System lands in the vicinity of the Fall River basin south of the communities of Alice Township and St. Mary’s Glacier in the State of Colorado. The facilities and services shall include the following:

- (1) Trailhead parking.
- (2) Public restroom accommodations.
- (3) Trailhead and trail maintenance.

(b) Personnel

The Forest Supervisor shall assign Forest Service personnel to provide appropriate management and oversight of the area described in subsection (a) of this section.

(c) Consultation

The Forest Supervisor shall consult with the Clear Creek County commissioners and with residents of Alice Township and St. Mary’s Glacier regarding—

- (1) the appropriate location of facilities and services in the area described in subsection (a) of this section; and
- (2) appropriate measures that may be needed in this area—
 - (A) to provide access by emergency or law enforcement vehicles;
 - (B) for public health; and
 - (C) to address concerns regarding impeded access by local residents.

(d) Report

After the consultation required by subsection (c) of this section, the Forest Supervisor shall submit to the Committee on Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report regarding the amount of any additional funding required to implement this section.

(Pub. L. 107–216, § 5, Aug. 21, 2002, 116 Stat. 1060.)

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.

§ 539I-3. Loop trail study; authorization

(a) Study

Not later than three years after funds are first made available for this purpose, the Secretary, in consultation with interested parties, shall complete a study of the suitability and feasibility of establishing, consistent with the purpose set forth in section 539I(a)(2) of this title, a loop trail for mechanized and other nonmotorized recreation connecting the trail designated as “Rogers Pass” and the trail designated as “Rollins Pass Road”.

(b) Establishment

If the results of the study required by subsection (a) of this section indicate that establishment of such a loop trail would be suitable and feasible, consistent with the purpose set forth in section 539I(a)(2) of this title, the Secretary shall establish the loop trail in a manner consistent with that purpose.

(Pub. L. 107–216, § 6, Aug. 21, 2002, 116 Stat. 1060.)

§ 539I-4. Other administrative provisions

(a) Buffer zones

The designation by this Act or by amendments made by this Act of wilderness areas and the Protection Area in the State of Colorado shall not create or imply the creation of protective perimeters or buffer zones around any wilderness area or the Protection Area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area or Protection Area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area or the Protection Area.

(b) Rollins Pass Road

If requested by one or more of the Colorado Counties of Grand, Gilpin, and Boulder, the Secretary shall provide technical assistance and otherwise cooperate with respect to repairing the Rollins Pass road in those counties sufficiently to allow two-wheel-drive vehicles to travel between Colorado State Highway 119 and U.S. Highway 40. If this road is repaired to such extent, the Secretary shall close the motorized roads and trails on Forest Service land indicated on the map entitled “Rollins Pass Road Reopening: Attendant Road and Trail Closures”, dated September 2001.

(Pub. L. 107–216, § 7, Aug. 21, 2002, 116 Stat. 1060.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 107–216, Aug. 21, 2002, 116 Stat. 1055, which is classified principally to sections 539I to 539I-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 539I of this title and Tables.

§ 539I-5. Wilderness potential

(a) In general

Nothing in this Act shall preclude or restrict the authority of the Secretary to evaluate the suitability of lands in the Protection Area for inclusion in the National Wilderness Preservation System or to make recommendations to Congress for such inclusion.

(b) Evaluation of certain lands

In connection with the first revision of the land and resources management plan for the Arapaho/Roosevelt National Forest after August 21, 2002, the Secretary shall evaluate the suitability of the lands managed under the management prescription referred to in section 539I(d)(1)(F) of this title for inclusion in the National Wilderness Preservation System and make recommendations to Congress regarding such inclusion.

(Pub. L. 107–216, § 8, Aug. 21, 2002, 116 Stat. 1061.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 107–216, Aug. 21, 2002, 116 Stat. 1055, which is classified principally to sections 539I to 539I-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 539I of this title and Tables.

§ 539m. Findings and purposes

(a) Findings

Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) Purposes

The purposes of sections 539m to 539m-12 of this title are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M-36963; 96 I.D. 331) and January 19, 2001 (M-37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

(Pub. L. 108-7, div. F, title IV, §402, Feb. 20, 2003, 117 Stat. 279.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsec. (b), was in the original "this title", meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Pub. L. 108-7, div. F, title IV, §415, Feb. 20, 2003, 117 Stat. 294, provided that: "The provisions of this title [see Short Title note below] shall take effect immediately on enactment of this Act [Feb. 20, 2003]."

SHORT TITLE

Pub. L. 108-7, div. F, title IV, §401, Feb. 20, 2003, 117 Stat. 279, provided that: "This title [enacting this section and sections 539m-1 to 539m-12 of this title, amending section 1746 of Title 43, Public Lands, and enacting provisions set out as a note above] may be cited as the 'T'uf Shur Bien Preservation Trust Area Act'."

§ 539m-1. Definitions

In sections 539m to 539m-12 of this title:

(1) Area

(A) In general

The term "Area" means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) Exclusions

The term "Area" does not include—

- (i) the subdivisions;
- (ii) Pueblo-owned land;
- (iii) the crest facilities; or
- (iv) the special use permit area.

(2) Crest facilities

The term "crest facilities" means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) Existing use

The term "existing use" means a use that—

(A) is occurring in the Area as of February 20, 2003; or

(B) is authorized in the Area after November 1, 1995, but before February 20, 2003.

(4) La Luz tract

The term "La Luz tract" means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) Local public body

The term "local public body" means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6-5-1).

(6) Map

The term "map" means the Forest Service map entitled "T'uf Shur Bien Preservation Trust Area" and dated April 2000.

(7) Modified use

(A) In general

The term "modified use" means an existing use that, at any time after February 20, 2003, is modified or reconfigured but not significantly expanded.

(B) Inclusions

The term "modified use" includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) New use

(A) In general

The term "new use" means—

(i) a use that is not occurring in the Area as of February 20, 2003; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) Exclusions

The term “new use” does not include a use that—

- (i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or
- (ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) Piedra Lisa tract

The term “Piedra Lisa tract” means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) Pueblo

The term “Pueblo” means the Pueblo of Sandia in its governmental capacity.

(11) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) Settlement Agreement

The term “Settlement Agreement” means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) Special use permit

The term “special use permit” means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company.

(14) Special use permit area**(A) In general**

The term “special use permit area” means the land and facilities subject to the special use permit.

(B) Inclusions

The term “special use permit area” includes—

- (i) approximately 46 acres of land used as an aerial tramway corridor;
- (ii) approximately 945 acres of land used as a ski area; and
- (iii) the land and facilities described in Exhibit A to the special use permit, including—
 - (I) the maintenance road to the lower tram tower;
 - (II) water storage and water distribution facilities; and
 - (III) 7 helispots.

(15) Subdivision

The term “subdivision” means—

- (A) the subdivision of—
 - (i) Sandia Heights Addition;
 - (ii) Sandia Heights North Unit I, II, or 3;
 - (iii) Tierra Monte;
 - (iv) Valley View Acres; or
 - (v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) Traditional or cultural use

The term “traditional or cultural use” means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

(Pub. L. 108-7, div. F, title IV, § 403, Feb. 20, 2003, 117 Stat. 280.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in text, was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

The National Environmental Policy Act of 1969, referred to in par. (8)(B)(i), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, 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.

The Endangered Species Act of 1973, referred to in par. (8)(B)(ii), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

§ 539m-2. T'uf Shur Bien Preservation Trust Area**(a) Establishment**

The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

- (1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 539m-3(a) of this title;
- (2) to preserve in perpetuity the national forest and wilderness character of the Area; and
- (3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) Administration and applicable law**(1) In general**

The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of sections 539m to 539m-12 of this title affecting management of the Area.

(2) Traditional or cultural uses

Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 539m-3(a)(4) of this title shall not be restricted except by—

- (A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on February 20, 2003; and
- (B) applicable Federal wildlife protection laws, as provided in section 539m-4(a)(2) of this title.

(3) Later enactments

To the extent that any law enacted or amended after February 20, 2003, is inconsis-

ent with sections 539m to 539m-12 of this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) Trust

The use of the word “Trust” in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) Map

(1) Filing

As soon as practicable after February 20, 2003, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) Public availability

The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) Effect

The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in sections 539m to 539m-12 of this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 539m-7 of this title or subsection (b) or (c) of section 539m-11 of this title shall be made; and

(C) to the extent that the map and the language of sections 539m to 539m-12 of this title conflict, the language of sections 539m to 539m-12 of this title shall control.

(d) No conveyance of title

No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) Prohibited uses

(1) In general

Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of February 20, 2003, shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 539m-3(a)(3) of this title.

(2) Mining claims

The Area is closed to the location of mining claims under section 2320 of the Revised Stat-

utes (30 U.S.C. 23) (commonly known as the “Mining Law of 1872”).

(f) No modification of boundaries

Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

(Pub. L. 108-7, div. F, title IV, § 404, Feb. 20, 2003, 117 Stat. 282.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsecs. (b)(1), (3) and (c)(3), was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV of the Code, see Short Title note set out under section 539m of this title and Tables.

The Wilderness Act, referred to in subsecs. (b)(2)(A) and (e)(1)(A), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The Mining Law of 1872, referred to in subsec. (e)(2), is act May 10, 1872, ch. 152, 17 Stat. 91, which was incorporated into the Revised Statutes of 1878 as R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of such Revised Statutes sections to the Code, see Tables.

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.

§ 539m-3. Pueblo rights and interests in the Area

(a) In general

The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on February 20, 2003; or

(B) applicable Federal wildlife protection laws as provided in section 539m-4(a)(2) of this title.

(2) Perpetual preservation of the national forest and wilderness character of the Area under sections 539m to 539m-12 of this title.

(3) Rights in the management of the Area as specified in section 539m-5 of this title, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to admin-

ister access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in subsection (c) of this section and sections 539m-2, 539m-5, 539m-6, and 539m-7 of this title.

(b) Access

Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) Compensable interest

(1) In general

If, by an Act of Congress enacted after February 20, 2003, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 539m-2(e) of this title in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 539m-2(e) and 539m-4(a) of this title shall be disregarded in determining just compensation owed to the Pueblo.

(2) Effect

Any compensation made to the Pueblo under paragraph (c)¹ shall not affect the extinguishment of claims under section 539m-8 of this title.

(Pub. L. 108-7, div. F, title IV, § 405, Feb. 20, 2003, 117 Stat. 283.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (a)(1)(A), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

Sections 539m to 539m-12 of this title, referred to in subsec. (a)(2), was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

§ 539m-4. Limitations on Pueblo rights and interests in the Area

(a) Limitations

The rights and interests of the Pueblo recognized in sections 539m to 539m-12 of this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 539m-2(e) of this title; or

(4) any right to exclude persons or governmental entities from the Area.

(b) Exception

No person who exercises traditional or cultural use rights as authorized by section 539m-3(a)(4) of this title may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

(Pub. L. 108-7, div. F, title IV, § 406, Feb. 20, 2003, 117 Stat. 284.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsec. (a), was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

§ 539m-5. Management of the Area

(a) Process

(1) In general

The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) New uses

(A) Request for consent after consultation

(i) Denial of consent

If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) Granting of consent

If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) Final request for consent

(i) Request

Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) Denial of consent

If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) Failure to respond

If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

¹ So in original. Probably should be paragraph “(1)”.

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) Public involvement

(A) In general

With respect to a proposed new use or modified use, the public shall be provided notice of—

- (i) the purpose and need for the proposed new use or modified use;
- (ii) the role of the Pueblo in the decisionmaking process; and
- (iii) the position of the Pueblo on the proposal.

(B) Court challenge

Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) Emergencies and emergency closure orders

(1) Authority

The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

- (A) provide for public safety; and
- (B) issue emergency closure orders in the Area subject to applicable law.

(2) Notice

The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) No consent

An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) Disputes involving Forest Service management and Pueblo traditional uses

(1) In general

In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) Dispute resolution process

(A) In general

In the case of a conflict described in paragraph (1)—

- (i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and
- (ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) Disputes requiring immediate resolution

In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

- (i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and
- (ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

(Pub. L. 108-7, div. F, title IV, § 407, Feb. 20, 2003, 117 Stat. 284.)

§ 539m-6. Jurisdiction over the Area

(a) Criminal jurisdiction

(1) In general

Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.¹

(2) Jurisdiction of the Pueblo

The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 539m-3(a)(4) of this title.

(3) Jurisdiction of the United States

The United States shall have jurisdiction over—

- (A) an offense described in section 1153 of title 18 committed by a member of the Pueblo or another federally-recognized Indian tribe;
- (B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;
- (C) enforcement of Federal criminal laws of general applicability; and
- (D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) Jurisdiction of the State of New Mexico

The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) Overlapping jurisdiction

To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) Federal use of State law

Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

¹ So in original. Probably should be "subsection."

(b) Civil jurisdiction**(1) In general**

Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before February 20, 2003.

(2) Jurisdiction of the Pueblo**(A) In general**

The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

- (i) a dispute involving only members of the Pueblo;
- (ii) a civil action brought by the Pueblo against a member of the Pueblo; and
- (iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) Regulatory jurisdiction

The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

- (i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with sections 539m to 539m-12 of this title; and
- (ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) Taxing jurisdiction

The Pueblo shall have no authority to impose taxes within the Area.

(3) State and local taxing jurisdiction

The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 539m-3(a)(4) of this title.

(Pub. L. 108-7, div. F, title IV, § 408, Feb. 20, 2003, 117 Stat. 286.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsec. (b)(2)(B)(i), was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003,

117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

§ 539m-7. Subdivisions and other property interests**(a) Subdivisions****(1) In general**

The subdivisions are excluded from the Area.

(2) Jurisdiction**(A) In general**

The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) State jurisdiction

The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo on February 20, 2003, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) Limitations on trust land

Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in sections 539m to 539m-12 of this title.

(b) Piedra Lisa**(1) In general**

The Piedra Lisa tract is excluded from the Area.

(2) Declaration of trust title

The Piedra Lisa tract—

- (A) shall be transferred to the United States;
- (B) is declared to be held in trust for the Pueblo by the United States; and
- (C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in sections 539m to 539m-12 of this title.

(3) Applicability of certain restriction

The restriction contained in section 539m-4(a)(4) of this title shall not apply outside of Forest Service System trails.

(c) Crest facilities**(1) In general**

The land on which the crest facilities are located is excluded from the Area.

(2) Jurisdiction

The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on

which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The pre-existing jurisdictional status of that land shall continue in effect.

(d) Special use permit area

(1) In general

The land described in the special use permit is excluded from the Area.

(2) Jurisdiction

(A) In general

The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) Preexisting status

The preexisting jurisdictional status of that land shall continue in effect.

(3) Amendment to plan

In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under sections 539m to 539m-12 of this title as the land currently described in the special use permit.

(4) Land dedicated to aerial tramway and related uses

Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) La Luz tract

(1) In general

The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in sections 539m to 539m-12 of this title.

(2) Nonapplicability of certain restriction

The restriction contained in section 539m-4(a)(4) of this title shall not apply outside of Forest Service System trails.

(f) Evergreen Hills access

The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 3210(a) of this title.

(g) Pueblo fee land

Those properties not specifically addressed in subsections¹ (a) or (e) that are owned in fee by

the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) Rights-of-way

(1) Road rights-of-way

(A) In general

In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) Conditions

The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by sections 539m to 539m-12 of this title.

(2) Utility rights-of-way

In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company: *Provided*, That use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless

¹ So in original. Probably should be "subsection".

the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) Forest Service rights-of-way

In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

(Pub. L. 108-7, div. F, title IV, § 409, Feb. 20, 2003, 117 Stat. 287.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsecs. (a)(3), (b)(2)(C), (d)(3), (e)(1), and (h)(1)(B)(iii), was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

§ 539m-8. Extinguishment of claims

(a) In general

Except for the rights and interests in and to the Area specifically recognized in sections 539m-2, 539m-3, 539m-5, 539m-6, and 539m-7 of this title, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States’ title to the Area is confirmed.

(b) Subdivisions

Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of February 20, 2003), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) Special use and crest facilities areas

Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) Pueblo agreement

As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection¹ (a), (b), and (c).

(e) Consideration

The recognition of the Pueblo’s rights and interests in sections 539m to 539m-12 of this title constitutes adequate consideration for the Pueblo’s agreement to the extinguishment of the Pueblo’s claims in this section and the right-of-way grants contained in section 539m-7 of this title, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to sections 539m to 539m-12 of this title.

(Pub. L. 108-7, div. F, title IV, § 410, Feb. 20, 2003, 117 Stat. 290.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsec. (e), was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

§ 539m-9. Construction

(a) Strict construction

Sections 539m to 539m-12 of this title recognize only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) Existing rights

To the extent there exist within the Area as of February 20, 2003, any valid private property rights associated with private land that are not otherwise addressed in sections 539m to 539m-12 of this title, such rights are not modified or otherwise affected by sections 539m to 539m-12 of this title, nor is the exercise of any such right subject to the Pueblo’s right to withhold consent to new uses in the Area as set forth in section 539m-3(a)(3)(A) of this title.

(c) Not precedent

The provisions of sections 539m to 539m-12 of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo’s claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) Fish and wildlife

Except as provided in section 539m-6(b)(2)(B) of this title, nothing in sections 539m to 539m-12 of this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(Pub. L. 108-7, div. F, title IV, § 411, Feb. 20, 2003, 117 Stat. 291.)

¹ So in original. Probably should be “subsections”.

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in text, was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

CODIFICATION

Section is comprised of section 411 of div. F of Pub. L. 108-7. Subsec. (e) of section 411 of div. F of Pub. L. 108-7 amended section 1746 of Title 43, Public Lands.

§ 539m-10. Judicial review**(a) Enforcement**

A civil action to enforce the provisions of sections 539m to 539m-12 of this title may be brought to the extent permitted under chapter 7 of title 5. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5.

(b) Waiver

A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under sections 539m to 539m-12 of this title, but no money damages, including costs or attorney’s fees, may be imposed on the Pueblo as a result of such judicial action.

(c) Venue

Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of sections 539m to 539m-12 of this title, shall lie only in the United States District Court for the District of New Mexico.

(Pub. L. 108-7, div. F, title IV, § 412, Feb. 20, 2003, 117 Stat. 291.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in text, was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

§ 539m-11. Provisions relating to contributions and land exchange**(a) Contributions****(1) In general**

The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with sections 539m to 539m-12 of this title.

(2) Deadline

Not later than 1 year after February 20, 2003, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) Land exchange**(1) In general**

Not later than 180 days after February 20, 2003, after consultation with the Pueblo, the

Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo’s Reservation within sections 3, 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) Acceptance of payment

Notwithstanding section 1716(b) of title 43, the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) Funds received

Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under section 484a of this title, and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) Treatment of land exchanged or conveyed

All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo’s Reservation subject to all existing and outstanding rights and shall, as a condition of the conveyance, remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under sections 539m to 539m-12 of this title.

(5) Failure to make offer

If the land exchange offer is not made by the date that is 180 days after February 20, 2003, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) Land acquisition and other compensation**(1) In general**

The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) Piedra Lisa tract

Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 539m-7(h)(3)(C) of this title; and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 539m-7(b)(2) of this title.

(d) Reimbursement of certain costs

(1) In general

The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94-2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) Treatment of reimbursement

Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24¹ U.S.C. 2412).

(3) Payments

Subject to the availability of appropriated funds the Secretary of the Treasury shall make reimbursement payments as provided in this section.

(4) Applications

Not later than 180 days after February 20, 2003, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) Maximum reimbursement

No party shall be reimbursed in excess of \$750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed \$3,000,000.

(Pub. L. 108-7, div. F, title IV, §413, Feb. 20, 2003, 117 Stat. 292; Pub. L. 111-11, title III, §3309, Mar. 30, 2009, 123 Stat. 1139.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsecs. (a)(1)(B) and (b)(4), was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

Section 1716(b) of title 43, referred to in subsec. (b)(2), was in the original “section 206(b) of the Federal Land Policy and Management Act” and was translated as reading “section 206(b) of the Federal Land Policy and Management Act of 1976” to reflect the probable intent of Congress.

The Equal Access to Justice Act, referred to in subsec. (d)(2), is title II of Pub. L. 96-481, Oct. 21, 1980, 94 Stat. 2325, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 504 of Title 5, Government Organization and Employees, and Tables.

¹ So in original. Probably should be “28”.

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111-11, §3309(1), inserted “3,” after “sections”.

Subsec. (b)(4). Pub. L. 111-11, §3309(2), inserted “, as a condition of the conveyance,” before “remain” in first sentence.

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.

§ 539m-12. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out sections 539m to 539m-12 of this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 539m-11(c) of this title.

(Pub. L. 108-7, div. F, title IV, §414, Feb. 20, 2003, 117 Stat. 294.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in text, was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

§ 539n. Crystal Springs Watershed Special Resources Management Unit

(1) Establishment

(A) In general

On completion of the land exchange under section 1206(a)(2),¹ there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit”, dated June 2006 (referred to in this section as the “map”), to be known as the “Crystal Springs Watershed Special Resources Management Unit” (referred to in this section as the “Management Unit”).

(B) Exclusion of certain land

The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.¹

(C) Withdrawal

(i) In general

Subject to valid rights in existence on March 30, 2009, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

¹ See References in Text note below.

(ii) Exception

Clause (i)(I) does not apply to the parcel of land generally depicted as “HES 151” on the map.

(2) Purposes

The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) Map and legal description**(A) Submission of legal description**

As soon as practicable after March 30, 2009, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) Force of law

The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) Public availability

The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) Administration**(A) In general**

The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) Fuel reduction in proximity to improvements and primary public roads

To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land; or

(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud

Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) Prohibited activities

Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) Forest road closures**(A) In general**

Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) Exception

Nothing in this section requires the Secretary to close the road commonly known as “Cloud Cap Road”, which shall be administered in accordance with otherwise applicable law.

(7) Private land**(A) Effect**

Nothing in this section affects the use of, or access to, any private property within the area identified on the map as the “Crystal Springs Zone of Contribution” by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) Cooperation

The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this section.

(8) Acquisition of land**(A) In general**

The Secretary may acquire from willing landowners any land located within the area identified on the map as the “Crystal Springs Zone of Contribution”.

(B) Inclusion in Management Unit

On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(Pub. L. 111-11, title I, § 1205(a), Mar. 30, 2009, 123 Stat. 1014.)

REFERENCES IN TEXT

Section 1206(a)(2), referred to in par. (1)(A), is section 1206(a)(2) of Pub. L. 111-11, title I, Mar. 30, 2009, 123 Stat. 1018, which is not classified to the Code.

Section 1202, referred to in par. (1)(B), is section 1202 of Pub. L. 111-11, which enacted provisions listed in a table of National Memorials set out under section 431 of this title and enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

This subtitle, referred to in par. (3)(B), is subtitle C (§§1201-1207) of title I of Pub. L. 111-11, Mar. 30, 2009, 123 Stat. 1007, which enacted this section and subchapter CXXXII of chapter 1 of this title, amended sections 544k and 1274 of this title, enacted provisions set out as notes under sections 460uuu and 1274 of this title, enacted provisions listed in a table of National Memorials set out under section 431 of this title, and enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title. For complete classification of subtitle C to the Code, see Tables.

DEFINITIONS

For definitions of terms used in this section, see section 1201 of Pub. L. 111-11, set out as a note under section 460uuu of this title.

§ 539o. Ancient Bristlecone Pine Forest**(a) Designation**

To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled “Ancient Bristlecone Pine Forest—Proposed” and dated July 16, 2008, is designated as the “Ancient Bristlecone Pine Forest”.

(b) Map and legal description**(1) In general**

As soon as practicable, but not later than 3 years after March 30, 2009, the Secretary shall file a map and legal description of the Forest with—

- (A) the Committee on Natural Resources of the House of Representatives; and
- (B) the Committee on Energy and Natural Resources of the Senate.

(2) Force of law

The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) Public availability

The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) Management**(1) In general**

The Secretary shall administer the Forest—

- (A) in a manner that—

- (i) protect¹ the resources and values of the area in accordance with the purposes

for which the Forest is established, as described in subsection (a); and

- (ii) promotes the objectives of the applicable management plan (as in effect on March 30, 2009), including objectives relating to—

- (I) the protection of bristlecone pines for public enjoyment and scientific study;

- (II) the recognition of the botanical, scenic, and historical values of the area; and

- (III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

- (B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) Uses**(A) In general**

The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) Scientific research

Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on March 30, 2009).

(3) Withdrawal

Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

- (A) all forms of entry, appropriation or disposal under the public land laws;
- (B) location, entry, and patent under the mining laws; and
- (C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(Pub. L. 111-11, title I, §1808, Mar. 30, 2009, 123 Stat. 1060.)

REFERENCES IN TEXT

This subtitle, referred to in subsec. (b)(2), is subtitle K (§§1801-1808) of title I of Pub. L. 111-11, Mar. 30, 2009, 123 Stat. 1052, which enacted this section and subchapter CXXXIII of chapter 1 of this title, amended section 1274 of this title, enacted provisions set out as notes under sections 460vvv and 1274 of this title, and enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title. For complete classification of subtitle K to the Code, see Tables.

The National Forest Management Act of 1976, referred to in subsec. (c)(1)(B), is Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2949, which enacted sections 472a, 521b, 1600, and 1611 to 1614 of this title, amended sections 500, 515, 516, 518, 576b, and 1601 to 1610 of this title, repealed sections 476, 513, and 514 of this title, and enacted provisions set out as notes under sections 476, 513, 528, 594-2, and 1600 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of this title and Tables.

DEFINITIONS

For definitions of terms used in this section, see section 1801 of Pub. L. 111-11, set out as a note under section 460vvv of this title.

¹ So in original. Probably should be “protects”.

SUBCHAPTER II—SCENIC AREAS

§ 541. Cascade Head Scenic-Research Area; establishment

In order to provide present and future generations with the use and enjoyment of certain ocean headlands, rivers, streams, estuaries, and forested areas, to insure the protection and encourage the study of significant areas for research and scientific purposes, and to promote a more sensitive relationship between man and his adjacent environment, there is hereby established, subject to valid existing rights, the Cascade Head Scenic-Research Area (hereinafter referred to as "the Area") in the Siuslaw National Forest in the State of Oregon.

(Pub. L. 93-535, §1, Dec. 22, 1974, 88 Stat. 1732.)

§ 541a. Administration, protection, development, and regulation of use

The administration, protection, development, and regulation of use of the Area shall be by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute to attainment of the purpose of this subchapter.

(Pub. L. 93-535, §2, Dec. 22, 1974, 88 Stat. 1732.)

§ 541b. Boundaries of scenic-research area; adjustments to subarea boundaries; development of management plan; establishment of subareas; management objectives**(a) Boundaries; adjustments to boundaries of subareas**

The boundaries of the Area, and the boundaries of the subareas included therein, shall be those shown on the map entitled "Proposed Cascade Head Scenic-Research Area", dated June 1974, which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture: *Provided*, That, from time to time, the Secretary may, after public hearing or other appropriate means for public participation, make adjustments in the boundaries of subareas to reflect changing natural conditions or to provide for more effective management of the Area and each of the subareas in accordance with the purposes and provisions of this subchapter.

(b) Management plan; development; time; contents

As soon as practicable after December 22, 1974, the Secretary shall, with provisions for appropriate public participation in the planning process, develop a comprehensive management plan for the Area. Said plan shall prescribe specific management objectives and management controls necessary for the protection, management, and development of the Area and each of the subareas established pursuant to subsection (c) of this section.

(c) Subareas; establishment; management objectives

Within the Area, the following subareas shall be established and shall be managed in accord

with the following primary management objectives which shall be supplemental to the general management objectives applicable to the entire Area:

(1) Estuary and Associated Wetlands Subarea: An area managed to protect and perpetuate the fish and wildlife, scenic, and research-education values, while allowing dispersed recreation use, such as sport fishing, nonmotorized pleasure boating, waterfowl hunting, and other uses which the Secretary determines are compatible with the protection and perpetuation of the unique natural values of the subarea. After appropriate study, breaching of existing dikes may be permitted within the subarea.

(2) Lower Slope-Dispersed Residential Subarea: An area managed to maintain the scenic, soil and watershed, and fish and wildlife values, while allowing dispersed residential occupancy, selective recreation use, and agricultural use.

(3) Upper Timbered Slope and Headlands Subareas: Areas managed to protect the scenic, soil and watershed, and fish and wildlife values while allowing selective recreation and extensive research-educational activities. Timber harvesting activity may occur in these subareas only when the Secretary determines that such harvesting is to be conducted in connection with research activities or that the preservation of the timber resource is imminently threatened by fire, old age, infestation, or similar natural occurrences.

(4) Coastline and Sand Dune-Spit Subareas: Areas managed to protect and maintain the scenic and wildlife values while allowing selective recreation and extensive research-educational activities.

(Pub. L. 93-535, §3, Dec. 22, 1974, 88 Stat. 1732.)

§ 541c. Extension of boundaries of Siuslaw National Forest; transfer of Federal property to Secretary

(a) The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands lying within the Area as described in accordance with section 541b of this title which are not within the national forest boundaries on December 22, 1974.

(b) Notwithstanding any other provision of law, any Federal property located on the lands added to the Siuslaw National Forest by this section may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary. Any lands so transferred shall become part of the Siuslaw National Forest.

(Pub. L. 93-535, §4, Dec. 22, 1974, 88 Stat. 1733.)

§ 541d. Acquisition of property within the scenic-research area; consent of owner; substantial change in use or maintenance of property**(a) Acquisition of lands, waters and interests by donation, purchase, etc.**

Subject to the provisions of subsection (b) of this section, the Secretary is authorized to acquire lands, waters, or interests therein within the Area by donation, purchase, exchange, or otherwise.