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**UNITED STATES DEPARTMENT OF AGRICULTURE**

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**THE PRINCIPAL LAWS RELATING TO THE ESTABLISHMENT AND  
ADMINISTRATION OF THE NATIONAL FORESTS AND  
TO OTHER FOREST SERVICE ACTIVITIES<sup>1</sup>**

PREPARED BY THE FOREST SERVICE

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**ESTABLISHMENT**

Act March 4, 1907 (34 Stat. 1269)

The forest reserves shall hereafter be known as national forests.

**Purpose of.**

Act of June 4, 1897 (30 Stat. 35) ; Sec. 475, Title 16, U. S. C.

No public forest reservation shall be established, except to improve and protect the forest within the reservation, 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.

**Creation by proclamation.**

Act of March 3, 1891 (26 Stat. 1103) ; Sec. 471, Title 16, U. S. C.

SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

<sup>1</sup> In this compilation in general the exact wording of the statute is given, but in some instances the substance of the law rather than the exact language is stated. The paging in the citations refers to the page of the official statute on which the part of the statute cited may be found, except where the entire statute is intended to be cited, in which case the first page thereof is given.

**Restrictions on proclamations.**

Act of March 4, 1907 (34 Stat. 1271) ; August 24, 1921 (37 Stat. 497) ; June 15, 1926 (44 Stat. 745) ; Secs. 471, 471a, Title 16, U. S. C.

Hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, Wyoming, California, Arizona, or New Mexico, except by act of Congress.

**Authority to modify proclamations.**

Act June 4, 1897 (30 Stat. 34, 36) ; Sec. 473, Title 16, U. S. C.

\* \* \* To remove any doubt which may exist pertaining to the authority of the President thereunto [in regard to the national forests], the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests. \* \* \* 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.

**Creation by purchase.**

Act of March 1, 1911 (36 Stat. 961) ; June 7, 1924 (43 Stat. 654) ; Secs. 515, 516, Title 16, U. S. C., act of March 3, 1931 (46 Stat. 1516), as to Porto Rico

The Secretary of Agriculture is hereby 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: *Provided*, That no deed or other instrument of conveyance 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.

That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the act approved March third, eighteen hundred and ninety-one (26 Stat. 1103), 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.

That section 6 of the act of March 1, 1911 (36 Stat. 961), is hereby amended to authorize and direct the Secretary of Agriculture 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.

Act of March 1, 1911 (36 Stat. 961) ; Sec. 517, Title 16, U. S. C.

That 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 and shall be vested in the United States.

Act March 3, 1925 (43 Stat. 1133) ; Sec. 555, Title 16, U. S. C.

That where no suitable Government land is available for national forest headquarters or ranger stations, the Secretary of Agriculture is hereby authorized to purchase such lands out of any funds appropriated for building improvements on the national forests, but not more than \$2,500 shall be so expended in any one year; and to accept donations of land for any national forest purpose.

#### Creation by donations.

Act June 7, 1924 (43 Stat. 654) ; Sec. 569, Title 16, U. S. C.

That to enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the act of March 1, 1911 (36 Stat. 961), and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or

devised to the United States shall be subject to the tax laws of the States where such lands are located. (See also section 555, title 16, U. S. Code above.)

#### Creation by exchanges.

Act March 20, 1922 (42 Stat. 465) ; Sec. 485, Title 16, U. S. C.

That, when the public interests will be benefitted thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, 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 the Secretary of Agriculture 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 the Secretary of Agriculture: *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 exchange 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 act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

Act February 28, 1925 (43 Stat. 1090) ; Sec. 486, Title 16, U. S. C.

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: *Provided*, That 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.

Act March 3, 1925 (43 Stat. 1215) ; Sec. 516, Title 16, U. S. C.

*Provided further*, That with the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this act, and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby 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 this act 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: *And provided further*, 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 subject to all the provisions of this act.

### JURISDICTION

#### Secretary of Agriculture.

Act February 1, 1905 (33 Stat. 628) ; Sec. 472, Title 16, U. S. C.

The Secretary of the Department of Agriculture shall, from and after the passage of this act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and acts supplemental to and amendatory thereof, and 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.

*Note.*—Laws relating to surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting are administered by Secretary of Interior.

Act June 4, 1897 (30 Stat. 34) ; Sec. 475, Title 16, U. S. C.

All public lands heretofore designated and reserved by the President of the United States under the provisions of the act approved March third, eighteen hundred and ninety-one, the orders for which shall be and remain in full force and effect, unsuspending and unrevoked, and all public land that may hereafter be set aside and

reserved as public forest reserves under said act, shall be as far as practicable controlled and administered in accordance with the following provisions.

#### Rules and regulations.

Sec. 551, Title 16, U. S. C.

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of section 471 of this title, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished as is provided for in the act of June 4, 1888, amending section 3388 of the Revised Statutes of the United States.

#### Civil and criminal.

Act of June 4, 1897 (30 Stat. 36); March 1, 1911 (36 Stat. 963); Sec. 480, Title 16, U. S. C.

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 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.

#### Arrests.

Act March 3, 1905 (33 Stat. 873); Sec. 559, Title 16, U. S. C.: February 6, 1905 (33 Stat. 700); Sec. 559, Title 16, U. S. C.

All persons employed in the forest reserve and national park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

#### Enforcement of laws.

Act May 23, 1908 (35 Stat. 259); Sec. 553, Title 16, U. S. C.

Hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States and Territories with regard



to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and, with respect to national forests, shall aid the other Federal bureaus and departments, on request from them, in the performance of the duties imposed on them by law.

#### Administering oaths.

Sec. 93, Title 5, U. S. C.

Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, Marine Corps or Coast Guard, detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military, naval, or Coast Guard board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

Act January 31, 1925 (43 Stat. 803) ; Sec. 521, Title 5, U. S. C.

Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may be committed to the Secretary of Agriculture or the Department of Agriculture or any bureau or subdivision thereof for administration. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer, agent, or employee.

#### Personnel.

Act February 1, 1905 (33 Stat. 628) ; Sec. 554, Title 16, U. S. C.

That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated.

### OCCUPANCY AND USE

#### Rules and regulations.

Act June 4, 1897 (30 Stat. 35) ; Sec. 551, Title 16, U. S. C.

He [Secretary of Agriculture] may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished as is provided for in the Act of June four, Eighteen hundred

and eighty-eight, amending section five thousand three hundred and eighty-eight of the Revised Statutes of the United States.

NOTE.—Grazing and special-use permits are issued under authority of this act.

#### Ingress and egress.

Act June 4, 1897 (30 Stat. 36) ; Sec. 478, Title 16, U. S. C.

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, 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 the Interior.

#### Sale of timber.

Act June 4, 1897 (30 Stat. 35) ; March 3, 1925 (43 Stat. 1132) ; April 12, 1926 (44 Stat. 242) ; Secs. 476, 616, Title 16, U. S. C.

For the purpose of preserving the living and growing timber and promoting the younger growth on national forests, the Secretary of Agriculture, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such national forests as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe. Before such sale shall take place, notice thereof shall be given for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such national forest exists: *Provided, however,* That in cases of unusual emergency the Secretary of Agriculture may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further,* That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisalment, timber, cord wood and other forest products, not exceeding in value five hundred dollars: *And provided further,* That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without advertisement, at private sale, in the discretion of the Secretary of Agriculture, at not less than the appraised valuation, in quantities to suit purchasers. Such timber before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of Agriculture, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing of his doings in the premises. (See sec. 3, act June 9, 1930 (46 Stat. 527; sec. 576-b, title 16, U. S. Code.)

**Sale of timber at cost.**

Act August 10, 1912 (37 Stat. 287) ; Sec. 489, Title 16, U. S. C.

The Secretary of Agriculture, under such rules and regulations as he shall establish, is authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intention of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in section 477, U. S. Code.

**Free use of timber.**

Sec. 477, Title 16, U. S. C.

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 fire wood, fencing, building, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes. (Modified by sec. 616, title 16, U. S. Code.)

**Exportation of timber.**

Act April 12, 1926 (44 Stat. 242) ; Sec. 616, Title 16, U. S. C.

Timber lawfully cut on any national forest, or on the public lands in Alaska, may be exported from the State or Territory where grown if, in the judgment of the Secretary of the department administering the national forests, or the public lands in Alaska, the supply of timber for local use will not be endangered thereby, and the respective Secretaries concerned are hereby authorized to issue rules and regulations to carry out the purposes of this act.

**Mineral lands.**

Act June 4, 1897 (30 Stat. 36) ; Sec. 482, Title 16, U. S. C.

Any mineral lands in any forest reservation 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 herein contained.

Sec. 478, Title 16, U. S. C.

Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such forest reservations.

**Agricultural lands.**

Sec. 506, Title 16, U. S. C.

Forest Homestead Act of June 11, 1906 (34 Stat. 233)

The Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and

ascertain as to the location and extent of lands within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries.

#### **Settlement forbidden.**

SEC. 5. That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve.

**Segregation of agricultural lands.**

Act of August 10, 1912 (37 Stat. 287)

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests.

**Permits for summer homes, hotels, stores, etc.**

Act of March 4, 1915 (38 Stat. 1101) ; Sec. 497, Title 16, U. S. C.

That hereafter the Secretary of Agriculture may, upon such terms as he may deem proper, for periods not exceeding thirty years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forests for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding five acres to any one person or association, but this shall not be construed to interfere with the right to enter homesteads upon agricultural lands in national forests as now provided by law.

**Special-use permit for land adjacent to mineral springs.**

Act of February 28, 1899 (30 Stat. 908) ; Sec. 495, Title 16, U. S. C.

The Secretary of the Interior \* \* \* hereby is authorized, under such rules and regulations as he from time to time may make, to enter or lease to responsible persons or corporations applying therefore suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any forest reserves 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 the Interior is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this act.

**Schools and churches within forests.**

Act of June 4, 1897 (30 Stat. 36) ; Sec. 479, Title 16, U. S. C.

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

**Use of waters.**

Act June 4, 1897 (30 Stat. 36) ; Sec. 481, Title 16, U. S. C.

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.

#### Segregation of agricultural lands.

Act August 10, 1912 (37 Stat. 287) ; Sec. 512, Title 16, U. S. C.

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests, and the sum of twenty-five thousand dollars is hereby appropriated for the purposes aforesaid.

#### Game refuges.

Act August 11, 1916 (39 Stat. 476) ; Sec. 683, Title 16, U. S. C.

The President of the United States is authorized to designate such areas on any lands purchased by the United States under the provisions of sections 513 to 519 and 521 of this title [the Weeks Act], as should, in his opinion, be set aside for the protection of game animals, birds, or fish. Whoever shall hunt, catch, trap, willfully disturb or kill any kind of game animals, game or nongame birds, or fish, or take the eggs of any such birds on lands set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time describe, shall be fined not more than \$500 or imprisoned not more than six months, or both.

#### Rights of way.

Transmission, telephone, and telegraph lines. Act of March 4, 1911 (36 Stat. 1253) ; Sec. 523, Title 16, U. S. C.

That the head of the department having jurisdiction over the lands be, and he hereby 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 public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, 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 park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, 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.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

#### **Railroads.**

Act March 3, 1875 (18 Stat. 482) ; Sec. 934 ff., Title 43, U. S. C. (This act is administered by the Department of the Interior.) Act of March 3, 1899 (30 Stat. 1233) ; Sec. 525, Title 16, U. S. C.

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 forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby.

#### **Irrigation.**

Act March 3, 1891 (26 Stat. 1101) ; Sec. 946 ff., Title 43, U. S. C. (This act is administered by the Department of the Interior.) Act May 11, 1898 (30 Stat. 404) ; Sec 951, Title 43, U. S. C.

#### **Water power.**

Act June 10, 1920 (41 Stat. 1077) ; Sec. 792 ff., Title 16, U. S. C.

#### **Municipal and mining uses.**

Act February 1, 1905 (33 Stat. 628) ; Sec. 254, Title 16, U. S. C.

That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States, for municipal and 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 reserves are respectively situated.

#### **Roads.**

Revised Statutes, Sec. 2477 ; Sec. 932, Title 43, U. S. C.

The right of way for the construction of highways over public land, not reserved for public uses, is hereby granted.

Sec. 17, Act November 9, 1921 (42 Stat. 216) ; Sec. 18, Title 23, U. S. C.

If the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such lands or material is contrary to the public interests or inconsistent with the purposes for which such lands or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deemed necessary for the adequate protection and utilization of the reserve, then such lands and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.

#### FISCAL MATTERS

##### Receipts to States.

Act May 23, 1908 (35 Stat. 260) ; Sec. 500, Title 16, U. S. C.

That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve 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 the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county, the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

##### Receipts to Treasury and refunds.

Act March 4, 1907 (34 Stat. 1270) ; (36 Stat. 1253) ; Sec. 499, Title 16, U. S. C.

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 use of lands in national forests created under section 471(b) 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 except as provided in sections 500 and 501 of this title, there is 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 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; and the Secretary of Agriculture shall make annual report to Congress of the amounts refunded hereunder.

#### **Expenditures from receipts for roads and trails.**

Act March 4, 1913 (37 Stat. 843) ; Sec. 501, Title 16, U. S. C.

That hereafter an additional 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.

#### **Reimbursement for equipment.**

Act March 4, 1913 (37 Stat. 843) ; Sec. 502, Title 16, U. S. C.

The Secretary of Agriculture is authorized to reimburse owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available fund in the appropriation to which the hire of such equipment is properly chargeable.

#### **Reimbursement for damage to private property.**

Act May 27, 1930 (46 Stat. 387) ; Sec. 574, Title 16, U. S. C.

The Secretary of Agriculture is authorized to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests, payment to be made from any funds appropriated for the protection, administration, and improvement of the national forests: *Provided*, That no payment in excess of \$500 shall be made on any such claim.

Act January 31, 1931 (Public 589)

The Secretary of Agriculture is authorized under such regulations as he may prescribe 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 in any case unless supported by a written contract of hire or lease.

**Water supply or sanitary systems.**

Act May 27, 1930 (46 Stat. 387) ; Sec. 573, Title 16, U. S. C.

The Secretary of Agriculture is authorized to expend, not to exceed \$8,000 annually, out of any money appropriated, for the improvement or protection of the national forests, for the fiscal year 1930, or for any subsequent years, in the completion of water supply or sanitary systems costing in excess of the \$500 limitation as imposed by the act of March 3, 1925 (43 Stat. 1132).

**Buildings.**

Act March 3, 1925 (43 Stat. 1132)

That, in addition to buildings costing not to exceed \$1,500 each, the Secretary of Agriculture, out of any moneys appropriated for the improvement or protection of the national forests, may construct, improve, or purchase during each fiscal year three buildings for National forest purposes at not to exceed \$2,500 each, and three at not to exceed \$2,000 each: *Provided*, That the cost of a water supply or sanitary system shall not be charged as part of the cost of any building except those costing in excess of \$2,000 each, and no such water supply and sanitary system shall cost in excess of \$500.

**Rent from employees.**

Act January 31, 1931 (Public, 589)

The Secretary of Agriculture is authorized, under such regulations as he may prescribe, to hire or rent property from employees of the Forest Service for the use of officers of that service other than used by the employees from whom hired or rented, whenever the public interest will be promoted thereby: *Provided*, That the aggregate amount to be paid permanent employees under authorizations of this subsection, exclusive of obligations occasioned by fire emergencies, shall not exceed \$3,000 in any one year.

**Forage, etc.**

Act January 31, 1931 (Public, 589)

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

**Lost persons.**

Act May 27, 1930 (46 Stat. 387) ; Sec. 575, Title 16, U. S. C.

The Secretary of Agriculture is authorized in cases of emergency to incur such expenses as may be necessary in searching for persons lost in the national forests and in transporting persons seriously ill, injured, or who die within the national forests to the nearest place where the sick or injured person, or the body, may be transferred to interested parties or local authorities.

**Cooperative fund.**

Act of June 30, 1914 (38 Stat. 430) ; Sec. 498, Title 16, U. S. C.

That hereafter all moneys received as contributions toward cooperative work in forest investigations, or the protection and improvement of the national forests, shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations, protection, 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, or improvements: *Provided*, That annual report shall be made to Congress of all such moneys so received as contributions for such cooperative work.

Act March 3, 1925 (43 Stat. 1132) ; Sec. 572, Title 16, U. S. C.

All moneys received as contributions toward reforestation or for the administration or protection of lands within or near the national forests, shall be covered into the Treasury and shall constitute a special fund, which is authorized to be appropriated for the payment of the expenses of said reforestation, administration, or protection by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by or for them in excess of their share of the costs, but the United States shall not be liable for any damage incident to cooperation hereunder.

**Brush disposal.**

Act August 11, 1916 (39 Stat. 462) ; Sec. 490, Title 16, U. S. C.

Deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber; such deposits 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, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost.

**Tree planting.**

Act June 9, 1930 (46 Stat. 527) ; Sec. 576-b, Title 16, U. S. C.

The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest lands cut over by the purchaser, in order to improve the future stand of timber: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average

cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest improvement work, as the Secretary of Agriculture may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest reserve fund, as a national forest receipt of the fiscal year in which such transfer is made.

#### Forest roads and trails.

Act November 9, 1921 (42 Stat. 218); Sec. 23, Title 23, U. S. C.

That fifty per centum, but not to exceed \$3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditures under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

The Secretary of Agriculture may enter into contract with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail, or part thereof.

Construction work on forest roads or trails estimated to cost \$5,000, or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are

deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

Any appropriation made in this section or that may hereafter be made for expenditures under the provision of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

Act of January 18, 1927 (44 Stat. 1006)

That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory.

#### Reports.

Act November 9, 1921 (42 Stat. 216); Sec. 20, Title 23, U. S. C.

That on or before the first Monday in December of each year, the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this act. The Secretary of Agriculture shall also make such special reports as Congress may request.

### FOREST ACTIVITIES

#### Tree planting.

Act of June 9, 1930 (Public, 319)

An Act Authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Agriculture is hereby authorized to establish forest tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by this Act: *Provided*, That nothing in this Act shall be deemed to restrict the authority of the said Secretary under other authority of law.

SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, not to exceed \$250,000; for the fiscal year ending June 30, 1933, not to exceed \$300,000; for the fiscal year ending June 30, 1934, not to exceed \$400,000; and for each fiscal year thereafter, not to exceed \$400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding national forests and for the additional protection, care, and improvement of the resulting plantations or young growth.

SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest-improvement work, as the Secretary of Agriculture may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further*, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park.

Approved, June 9, 1930.

#### WEEKS LAW AND AMENDMENTS

Act March 1, 1911 (36 Stat. 961); Act March 4, 1913 (37 Stat. 828); Secs. 500, 513, 515, 516, 517, 518, 519, 521, 552, 563, Title 16, U. S. C.

Act of March 1, 1911 (36 Stat. 961), to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

#### Cooperation with States for fire protection.

SEC. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

#### Purchase of lands.

SEC. 3. That there is hereby appropriated, for the fiscal year ending June thirtieth, nineteen hundred and ten, the sum of one million dollars, and for each fiscal year thereafter a sum not to exceed two million dollars for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the thirtieth day of June, nineteen hundred and fifteen.

#### Appointment of commission.

SEC. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

#### Reports to Congress.

SEC. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

#### Duties of Secretary of Agriculture.

SEC. 6. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

#### Secretary to purchase.

SEC. 7. That the Secretary of Agriculture is hereby 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: *Provided*, That no deed or other instrument of conveyance 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 purposes of preserving the navigability of navigable streams.

#### Passing upon titles.

SEC. 8. That 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 and shall be vested in the United States.

#### Reservation of timber and minerals.

SEC. 9. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

#### Sale of agricultural lands.

SEC. 10. That 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 hereby 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 pur-



poses, 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 joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior 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.

#### Administration as national forests.

SEC. 11. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the act approved March third, eighteen hundred and ninety-one (volume twenty-six, Statutes at Large, page eleven hundred and three), 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.

#### Jurisdiction of States.

SEC. 12. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

#### Five per cent of receipts to States.

SEC. 13. That five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the secretary of the Treasury to the State in which such national forest is situated, to be expended as the State 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 county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such county from all other sources.

#### Expenses of commission.

SEC. 14. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of

twenty-five thousand dollars, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

#### Easements, reservations, etc.

Act of March 4, 1913 (37 Stat., 855)

That section nine of the act of March first, nineteen hundred and eleven (Thirty-sixth Statutes, page nine hundred and sixty-one), entitled "An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," be amended to read as follows:

"That 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 National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of the act: *Provided*, That 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 that 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."

#### CLARKE-McNARY ACT

Act June 7, 1924 (43 Stat. 653) ; Secs. 563 ff., Title 16, U. S. C.

An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States such systems of forest fire prevention and suppression as will adequately protect the timbered and cut-over lands therein with a view to the protection of forest and water resources and the continuous production of timber on lands chiefly suitable therefor.

SEC. 2. That if the Secretary of Agriculture shall find that the system and practice of forest fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section he is hereby authorized and directed, under

such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigation shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest-protection system of the State under State supervision, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State that State and private expenditures as provided for in this act have been made. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest-producing lands or watersheds from which water is secured for domestic use or irrigation within the cooperative States. (As amended by act of August 13, 1926 (44 Stat. 242).)

(Authority given under secs. 1 and 2, extended to Territories by Public Resolutions 121 and 129, 71st Cong.)

SEC. 3. That the Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire and other causes. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$2,500,000, to enable the Secretary of Agriculture to carry out the provisions of sections 1, 2, and 3 of this act.

SEC. 4. That the Secretary of Agriculture is hereby authorized and directed to cooperate with the various States in the procurement, production, and distribution of forest-tree seeds and plants, for the purpose of establishing windbreaks, shelter belts, and farm woodlots upon denuded or nonforested lands within such cooperating States, under such conditions and requirements as he may prescribe to the end that forest-tree seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or nonforested lands in the cooperating States and growing timber thereon: *Provided*, That the amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$100,000, to enable the Secretary of Agriculture to carry out the provisions of this section.

SEC. 5. That the Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or, in his discretion, with other suitable agencies, to assist the owners of farms in establishing, improving, and renewing woodlots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops: *Provided*, That, except for preliminary investigations, the amount expended by the Federal Government under this section in cooperation with any State or other cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year. There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$100,000 to enable the Secretary of Agriculture to carry out the provisions of this section.

(Authority Given Under Secs. 3, 4, and 5, Above Extended to Territories by Joint Resolution April 13, 1926 (44 Stat. 250))

SEC. 6. That section 6 of the act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), is hereby amended to authorize and direct the Secretary of Agriculture 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.

(Authority Extended to Porto Rico by Public Resolution 129, Seventy-first Congress.)

SEC. 7. That to enable owners of land chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national for-

est. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located.

SEC. 8. That the Secretary of Agriculture is hereby authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States.

SEC. 9. That the President, in his discretion, is hereby authorized to establish as national forests, or parts thereof, any lands within the boundaries of Government reservations, other than national parks, reservations for phosphate and other mineral deposits or water-power purposes, national monuments, and Indian reservations, which in the opinion of the Secretary of the department now administering the area and the Secretary of Agriculture are suitable for the production of timber, to be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary formerly administering the area, for the use and occupation of such lands and for the sale of products therefrom. That where such national forest is established 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 War or Navy Department for said purposes, and nothing in this section 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 the national forests created under this section. 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. Any person who shall violate any rule

or regulation promulgated under this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both.

### McSWEENEY-McNARY ACT

Act May 22, 1928 (45 Stat. 699), Secs. 581 a-i, Title 16, U. S. C.

An Act To insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary under sections 2 to 10, inclusive, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided*, That in carrying out the provisions of this act the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods, he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from cooperators under such conditions as he may impose, such contributions to be covered into the Treasury as a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this act, and in making refunds to contributors: *Provided further*, That the cost of any building purchased, erected, or as improved in carrying out the purposes of this act shall not exceed \$2,500, exclusive in each instance of the cost of constructing a water supply or sanitary system and of connecting the same with any such building: *Provided further*, That the amounts specified in sections 2, 3, 4, 5, 6, 7, 8, and 10 of this act are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are hereby authorized: *Provided further*, That during any fiscal year the amounts specified in sections 3, 4, and 5 of this act making provision for investigations of forest tree and wood diseases, forest insects, and forest wild life, respectively, may be exceeded to provide adequate funds for special research required to meet any serious

public emergency relating to epidemics: *And provided further*, That the provisions of this act shall be construed as supplementing all other acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority.

SEC. 2. That for conducting fire, silvicultural, and other forest investigations and experiments the Secretary of Agriculture is hereby authorized, in his discretion, to maintain the following forest experiment stations for the regions indicated, and in addition to establish and maintain one such station for the intermountain region in Utah and adjoining States, one in Alaska, and one in the tropical possessions of the United States in the West Indies:

Northeastern forest experiment station, in New England, New York, and adjacent States;

Allegheny forest experiment station, in Pennsylvania, New Jersey, Delaware, Maryland, and in neighboring States;

Appalachian forest experiment station, in the southern Appalachian Mountains and adjacent forest regions;

Southern forest experiment station, in the Southern States;

Central States forest experiment station, in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, and in adjacent States;

Lake States forest experiment station, in the Lake States and adjoining States;

California forest experiment station, in California and in adjoining States;

Northern Rocky Mountain forest experiment station, in Idaho, Montana, and adjoining States;

Northwestern forest experiment station, in Washington, Oregon, and adjoining States, and in Alaska;

Rocky Mountain forest experiment station, in Colorado, Wyoming, Nebraska, South Dakota, and in adjacent States; and

Southwestern forest experiment station, in Arizona, and New Mexico, and in adjacent States, and in addition to establish and maintain one such station for the intermountain region of Utah and adjoining States, one for Alaska, one in Hawaii, and one in the tropical possessions of the United States in the West Indies, and one additional station in the Southern States.

There is hereby authorized to be appropriate annually out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000 to carry out the provisions of this section.

SEC. 3. That for investigations of the diseases of forest trees and of diseases causing decay and deterioration of wood and other forest products, and for developing methods for their prevention and control at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000.

SEC. 4. That for investigations of forest insects, including gypsy and browntail moths, injurious or beneficial to forest trees or to wood or other forest products, and for developing methods for preventing and controlling infestations, at forest experiment stations,

the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$350,000.

SEC. 5. That for such experiments and investigations as may be necessary in determining the life histories and habits of forest animals, birds, and wild life, whether injurious to forest growth or of value as supplemental resource, and in developing the best and most effective methods for their management and control at forest experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$150,000.

SEC. 6. That for such investigations at forest experiment stations, or elsewhere, of the relationship of weather conditions to forest fires as may be necessary to make weather forecasts, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$50,000.

SEC. 7. That for such experiments and investigations as may be necessary to develop improved methods of management, consistent with the growing of timber and the protection of watersheds, of forest ranges and of other ranges adjacent to the national forests, at forest or range experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$275,000.

SEC. 8. That for experiments, investigations, and tests with respect to the physical and chemical properties and the utilization and preservation of wood and other forest products, including tests of wood and other fibrous material for pulp and paper making, and such other experiments, investigations, and tests as may be desirable, at the Forest Products Laboratory or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000, and an additional appropriation of not more than \$50,000 annually for similar experiments, investigations, and tests of foreign woods and forest products important to the industries of the United States, including necessary field work in connection therewith.

SEC. 9. That the Secretary of Agriculture is hereby authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State of the United States, and either through them or directly with private and other agencies, in making a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States, and of timber supplies, including a determination of the present and potential productivity of forest land therein, and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000: *Provided*, That the total appropriation of Federal funds under this section shall not exceed \$3,000,000.

SEC. 10. That for such investigations of costs and returns and the possibility of profitable reforestation under different conditions in the different forest regions, of the proper function of timber grow-



ing in diversified agriculture and in insuring the profitable use of marginal land, in mining, transportation, and in other industries, of the most effective distribution of forest products in the interest of both consumer and timber grower, and for such other economic investigations of forest lands and forest products as may be necessary, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000.

