

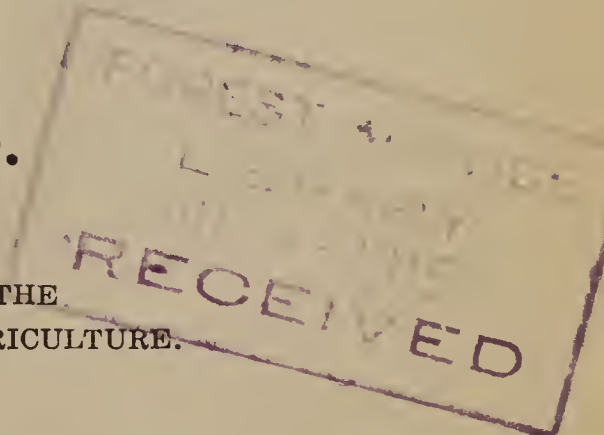
U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.
HENRY S. GRAVES, FORESTER.

THE USE BOOK

A MANUAL FOR USERS OF
THE NATIONAL FORESTS.

1915.

ISSUED BY THE
SECRETARY OF AGRICULTURE.



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1915.

The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by \$500 fine or twelve months' imprisonment, or both) as is provided for in the act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Reviser Statutes of the United States. (Act of June 4, 1897, 34 Stat., 35.)

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
WASHINGTON, D. C., March 8, 1915.

SIR: I have the honor to present for your approval a fifth revision of the regulations and instructions for the use of the National Forests. In this edition, which has been prepared especially for Forest users, those regulations affecting only Forest officers and not of interest to the public have been omitted.

Very respectfully,

HENRY S. GRAVES,
Forester.

HON. DAVID F. HOUSTON,
Secretary.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
WASHINGTON, D. C., March 10, 1915.

The accompanying regulations have, under authority conferred by law upon the Secretary of Agriculture, already been approved, to take effect at different times, and all previous regulations in conflict with them revoked.

DAVID F. HOUSTON,
Secretary.

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FOREWORD.

National Forests are open to all persons for all lawful purposes. The timber, water, pasture, and other resources are for the use of the people, and the minerals are open to exploitation just as on unreserved public lands. This book tells how these resources may be obtained under reasonable conditions without delay.

Under authority imposed by Congress the Secretary of Agriculture has issued regulations for the protection and administration of the National Forests, to the end that the fullest possible use of them, consistent with their proper conservation, may be made. Further information with regard to the use of the National Forests may be obtained upon application to any forest officer. (See p. 13 for addresses of district foresters and p. 157 for addresses of supervisors.)

Users of the Forests are especially urged to assist in their protection by carefully observing the rules for handling fires, printed on page 22, and by cooperating with forest officers in the work of discovering and extinguishing fires which originate from sources over which they have no control.

Persons who wish to make any use of the resources of a National Forest for which a permit is required should consult the nearest forest officer.

Twenty-five per cent of all receipts from National Forests are given to the counties in which they lie, to be used for schools and roads. An additional 10 per cent is expended by the Secretary of Agriculture upon roads and trails constructed primarily for the benefit of settlers within the Forests.

Regulations are printed in this type.

THE USE BOOK.

PART I.—ADMINISTRATION OF THE NATIONAL FORESTS.

PURPOSE AND LOCATION OF NATIONAL FORESTS.

The National Forests are large tracts of land, mainly mountainous and timbered, set apart to insure a perpetual supply of timber for home industries, to prevent destruction of the forest cover which regulates the flow of streams, and to protect forest and range from monopoly or abuse to the injury of local residents and the public generally. The first Forest was created by President Harrison in 1891, under the name of the Yellowstone Park Timberland Reserve. Later forest reservations were called forest reserves, until in 1905 Congress changed the official designation to National Forests.

Congress has said that National Forests may be set aside from public lands covered wholly or in part with timber or undergrowth, whether of merchantable value or not. Some National Forests are heavily timbered, and are set aside mainly for the value of the timber; others are located in thinly wooded regions, mainly to protect and conserve the water supply, without which the country would be uninhabitable.

The National Forests are located chiefly in the Western States. In all there are 154 Forests, comprising a net area of approximately 162,000,000 acres. The names of the different Forests are shown in a table in the back of this book.

AREAS PURCHASED UNDER THE WEEKS LAW.

Mountain lands are now being purchased, under the provisions of the Weeks law, from private owners in the Appalachian and White Mountain regions of the East. Eventually these will become National Forests.

The regulations and instructions printed in this book do not apply to the areas purchased under the Weeks law. Information regarding the use of these areas may be obtained by writing to the District Forester, Forest Service, Washington, D. C.

CREATION OF NATIONAL FORESTS.

The act of March 3, 1891 (26 Stat., 1095), provides:

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.

The act of June 4, 1897 (30 Stat., 11), authorizes the President to revoke or suspend any proclamation or to reduce the area or change the boundary lines of such forests. The act further provides that the reservations—

* * * shall be as far as practicable controlled and administered in accordance with the following provisions:

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; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

Under date of February 7, 1910, the Secretary of the Interior and the Secretary of Agriculture submitted a joint letter to the President, which was approved by him, defining more fully the character of lands contemplated by the two acts above referred to, as follows:

1. Lands wholly or in part covered with brush or other undergrowth which protects stream flow or checks erosion on the watershed of any stream important to irrigation, water power, or to the water supply of any city, town, or community, or open lands on which trees may be grown, should be retained within the National Forests, unless their permanent value under cultivation is greater than their value as a protective forest.

2. Lands wholly or in part covered with timber or undergrowth, or cut-over lands which are more valuable for the production of trees than for agricultural crops, and lands densely stocked with young trees having a prospective value greater than the value of the land for agricultural purposes should be retained within the National Forests.

3. Lands not either wholly or in part covered with timber or undergrowth, which are located above timber line within the Forest boundary or in small bodies scattered through the Forest, making elimination impracticable, or limited areas which are necessarily included for a proper admin-

istrative boundary line, should be retained within the National Forests.

4. Lands not either wholly or in part covered with timber or undergrowth, except as provided for in the preceding paragraphs, upon which it is not expected to grow trees, should be eliminated from the National Forests.

Creation Restricted in Seven States.

In an amendment to the agricultural appropriation bill approved March 4, 1907 (34 Stat., 1256), it is provided that "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, or Wyoming, except by act of Congress." The act of August 24, 1912 (37 Stat., 497), adds the name of California to the list of excepted States. The power of the President to create or enlarge National Forests in other States and in the Territories remains unaffected by these acts.

Temporary Withdrawals.

Temporary withdrawals of land from entry may be made by the President under the act of June 25, 1910 (36 Stat., 847), when the creation of new Forests or additions is contemplated and a withdrawal is deemed necessary. Such withdrawals can not be made within the States of California, Colorado, Idaho, Montana, Oregon, Washington, or Wyoming, unless there is pending legislation which proposes the inclusion of the areas within a National Forest.

NATIONAL MONUMENTS.

The act of June 8, 1906 (34 Stat., 225), provides for the protection of objects of historic and scientific interest on lands controlled by the Government, and authorizes the President to create, by proclamation, national monuments for their preservation. The act also authorizes the Secretary of the Interior, on behalf of the United States, to accept deeds of gift of privately owned land containing such objects.

What May Be Included.

When a national monument is created within a National Forest it is under the jurisdiction of the Forest Service. The objects which may properly be recommended for reservation under this act are cliff dwellings, pueblo ruins, ancient rock paintings, unique topographic or geologic features, historic landmarks, and groves of rare trees in danger of destruction.

Cooperation in Selection.

The Forest Service will cooperate when necessary with the Bureau of American Ethnology of the Smithsonian Institution in protecting and securing information regarding objects of

historic and scientific interest located on, or near the borders of, National Forests.

Not to be Listed to Homesteaders.

No lands containing such objects will be listed under the Forest-homestead act.

THE FOREST SERVICE AND THE NATIONAL FORESTS.

AUTHORITY OF SECRETARY OF AGRICULTURE.

The Secretary of Agriculture is empowered by Congress to "make such rules and regulations, and to establish such service as will insure the objects of such reservations (National Forests), namely, to regulate their occupancy and use, and to preserve the forests from destruction." Under the provisions of this act the Secretary has made and published regulations relating to the protection and use of the National Forests, and has established the Forest Service to carry such regulations into effect.¹

PURPOSES OF ADMINISTRATION.

The regulations and instructions for the use of the National Forests given in this book are in accordance with the organic acts and with the various supplementary and amendatory laws passed since June 4, 1897. They embody the general policy laid down for the Forest Service by the Secretary of Agriculture in his letter to the Forester dated February 1, 1905:

In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital

¹The public lands are held in trust for the whole people, not for the people of the States within which they are located. The Government has in its lands all the rights of an individual proprietor to maintain its possession and prosecute trespassers. It may deal with them as an individual may deal with his lands. It may sell or withhold them from sale or settlement. It may absolutely prohibit or fix the terms on which they may be used. The constitutional declaration that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or the property belonging to the United States" (Art. IV, sec. 3) places in Congress authority and discretion to exercise the above rights and powers; and Congress may therefore reserve or authorize the President to reserve public lands as National Forests without the consent of the State within whose borders they lie. (From decision of United States Supreme Court, *Light v. United States*, 220 U. S., 523, and cases therein cited.)

importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and livestock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage as well as upon the present and future use of these resources under businesslike regulations enforced with promptness, effectiveness, and common sense. In the management of each reserve, local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good to the greatest number in the long run.

ORGANIZATION.

The administration of the National Forests and the conduct of all matters relating to forestry which have been placed upon the Department of Agriculture by Congress are, under the direction of the Secretary of Agriculture, in charge of the Forester, who is the Chief of the Forest Service. The office of the Forester is in Washington, D. C.

Administrative Districts.

For the better administration of the National Forests seven districts have been established, with headquarters at the following places:

- District 1, Missoula, Mont.
- District 2, Denver, Colo.
- District 3, Albuquerque, N. Mex.
- District 4, Ogden, Utah.
- District 5, San Francisco, Cal.
- District 6, Portland, Oreg.
- District 7, Washington, D. C.

Each administrative district embraces a number of National Forests, and is in charge of an officer known as the district forester, who is responsible to the Forester for all administrative and technical work performed within the district. Each district forester is aided by several assistant district foresters and specialists in various branches of the work.

QUALIFICATIONS AND DUTIES OF FOREST OFFICERS.

All permanent positions in the Forest Service are in the classified civil service. Vacancies are filled through selections from eligibles certified by the Civil Service Commission and by promotion in rank. Definite information as to the times and places at which examinations are held may be obtained only from the Civil Service Commission, Washington, D. C.

Supervisors and Deputy Supervisors.

Each National Forest is in charge of a forest supervisor, who plans the work on his Forest under the instructions of the district forester and supervises its execution. When the amount of business on a National Forest warrants it, the supervisor is assisted by a deputy supervisor, who has such duties and authority as may be delegated to him by the supervisor.

The positions of forest supervisor and deputy supervisor are filled only by the promotion or transfer of experienced men from classified positions in the Forest Service.

Supervisors' headquarters are located in towns conveniently situated with regard to the Forests. (See page 157 for addresses of supervisors.)

Forest Examiners.

Forest examiners are employed upon such lines of technical work on the National Forests as the examination and mapping of forest areas, reports on applications for the purchase of timber, marking, scaling, and managing timber sales, survey of boundaries, nursery work, and forest planting. They are also assigned when necessary to assist the supervisors in any or all lines of executive work necessary in the administration of the National Forests.

The positions are filled, through promotion from the grade of forest assistant, by men who have by at least two years' experience in the Service, indicated their ability to carry on more responsible work.

Rangers.

Routine work involved in the supervision of timber sales, grazing, free use, special use, and other contracts and permits, the carrying out of the protection and improvement plans, and

other administrative activities is performed by rangers. Each Forest is divided into ranger districts of such a size that, under ordinary conditions, all the regular work can be handled effectively by one fully qualified ranger with the necessary temporary assistants. The average ranger district has about 60,000 acres, but where means of travel and communication are good, or where there is only a small volume of business or the fire hazard is low, very much larger districts may be established.

The district rangers have their headquarters at the nearest business center; or if that is not practicable, permanent headquarters, with barn and pasture, are provided on the Forests.

The requirements for assistant forest ranger, the grade to which appointments are made, are as follows:

REG. A-1. Only qualified citizens of the United States who are between the ages of 21 and 40, are eligible for ranger examinations. Selection for appointment will be made when practicable from qualified citizens of the State in which the National Forests, respectively, are situated. These qualifications will not be waived under any circumstances.

The entrance salary is \$900 to \$1,200 per annum, according to the locality and the conditions of the employment, except in Alaska, where the range of salaries is from \$1,200 to \$1,500 per annum, and the appointee will nearly always be required to provide his own horse or other means of transportation, though a limited amount of forage is usually supplied by the Service.

Physical soundness and endurance are essential on account of the heavy labor and exposure involved in such work as building improvements and fighting fire. The examination consists of a written test, a field test embracing compass surveying, timber work, and the handling of horses, and a rating of training, experience, and fitness. In the Southwest a knowledge of the Spanish language is also required. The examination is usually given in October of each year at each supervisor's headquarters. The most successful rangers are usually those who have been brought up in timber work or on ranches or farms, and who are thoroughly familiar, through long residence, with the region in which they are employed.

Forest Assistants.

Forest assistants are employed on Forests where assistance is needed for timber reconnaissance, fire protection, insect control, and to assist in the routine work of conducting timber sales, planting, nursery work, and other National Forest activities. They are ordinarily required to serve an apprenticeship of approximately two years before being assigned to duties of an administrative nature or important investigative work. The

position is filled through a technical examination, calling for a great deal of specialized knowledge. Only applicants with the following minimum training and experience are eligible for examination: (a) Not less than one full school year's theoretical and practical experience in forestry at a forest school or an established department of forestry in an institution of collegiate grade; (b) for those who have not attended a forest school, not less than two years' experience in practical forestry in the field. The examination is held in March of each year. The entrance salary for the grade of forest assistant is \$1,100 per annum, and the appointee may be required to supply his own horse and riding equipment.

Lumbermen.

Lumbermen are appointed after a civil-service examination, which requires much previous experience in woods work and a high degree of proficiency in cruising, logging, and milling. A thorough knowledge of scaling methods is absolutely necessary. Lumbermen are assigned temporarily to Forests where the need for their work arises.

Scalers.

Scalers are appointed after a civil-service examination, which requires much previous experience in scaling and woods work.

Forest Guards, Field Assistants, and Temporary Laborers.

Skilled and unskilled labor of a temporary character required in the use, protection, and improvement of the National Forests, is performed by forest guards, field assistants, and temporary laborers. These positions are not in the classified civil service, but are filled through selection by the forest supervisor or by officers in charge of field parties, to whom application for employment should be made.

Forest Clerks.

Clerical work in the supervisor's office is performed by forest clerks. Only male applicants are admitted to the examination, which is held as required. Proficiency in stenography, typewriting, and the elements of bookkeeping is tested. The entrance salary is from \$1,100 to \$1,200.

Minor clerks and stenographers are selected from the register established for the Government service at large, in which no sex limitation exists. The entrance salary is ordinarily \$900 per annum.

Further information regarding the duties required of forest officers of the different grades may be had upon application to the Forester or to any district forester or supervisor. (See page 13 for addresses of district officers and page 157 for addresses of supervisors.)

Authority of Forest Officers.

All forest officers have power to arrest without warrant any person whom they discover in the act of violating the National Forest laws and regulations; or if a violation of such laws and regulations is committed out of the view of such officers they have the authority to secure a warrant from a United States commissioner or, if one is not convenient, from a justice of the peace, and use it as the visible sign of the right to arrest, and also to arrest for any such violation on a warrant obtained by any competent person. (Act of Congress, Feb. 6, 1905; 33 Stat., 700.)

RELATION OF FOREST OFFICERS TO THE PUBLIC.

Supervisors, rangers, and other forest officers carry out the administrative policy prescribed for the National Forests by Congress, as embodied in the regulations made by the Secretary of Agriculture. As officers of the Government it is their duty to enforce these regulations without fear or favor.

Forest officers are also agents of the people, with whom they come into close relations, both officially and as neighbors and fellow citizens. They must answer all inquiries fully and cheerfully, and be prompt, active, and courteous in the conduct of Forest business. It is their duty to assist the public in making use of the resources of the Forests. They aim to prevent misunderstanding and violation of Forest regulations by timely and tactful advice rather than to follow up violations by the exercise of their authority.

It is essential that forest officers should win the respect and confidence of those with whom they come in contact. The Forest Service will not tolerate discourtesy or inefficiency in any of its members. Even the best, however, can not always give satisfactory service under adverse conditions. Forest officers can always render more and better service where they receive straightforward and friendly treatment. It is therefore within the power of Forest users to aid greatly in the efficient performance of the public business by according to forest officers the same frankness, consideration, and courtesy which the forest officers are expected to show them.

If there is just cause for complaint regarding the conduct of any forest officer, the matter should be taken up in writing either with the immediate superior of the officer complained against or with the Forester at Washington, D. C.

IMPROVEMENTS.**Roads.**

Congress has provided that 10 per cent of the net receipts from the National Forests shall be expended under the direction of the Secretary of Agriculture for the construction of roads and trails within the Forests. The moneys thus made available are expended by the Forest Service almost entirely for roads, selected after thorough investigation, which will best serve the needs of the settlers and users of the Forests. It is the policy of the Service to cooperate with State and county officials, good roads organizations, and private individuals, both in deciding on roads to be built and in the actual construction work. All inquiries regarding the progress of this work and requests for assistance in the construction of roads should be addressed to the district forester of the district in which the Forests are located, or to the Forester at Washington, D. C.

Range Improvements.

For the complete and economical use of the forage on the Forests it is sometimes necessary to develop water, or to construct drift fences, bridges, trails, or other works. Since such works directly benefit the stockmen, the Forest Service will allot funds for their construction only in exceptional cases when the benefit to the Forest plainly warrants the expenditure. The expenditure of funds for these purposes can often be made more effective if the assistance and cooperation of interested stockmen can be secured. Requests for cooperation should be addressed to the nearest forest officer.

Other Improvements.

Trails, telephone lines, cabins, out-buildings, lookout stations, pastures, and other improvements are constructed by the Forest Service for the use of its employes in the administration and protection of the Forests. Information regarding these works may be obtained upon application to any forest officer.

ACCESSIBILITY OF PUBLIC RECORDS.

REG. A-9. In general, the papers on file in the offices of the Forest Service relating to the transaction of National Forest business are public records, and as such are open to the public. Information should not be refused to persons whose interest is legitimate. Recommendations on matters pending should not be made public. Equal opportunities for information must be given to all persons having an interest in any transaction. In conformity with the practice, and at the request of the Department of the Interior, all reports on public-land claims will be treated as confidential, and may be exam-

ined only by duly authorized officers and employees of the Government. Reports on June 11 applications and personnel reports are confidential, and may be examined only by duly authorized officers of the Government. Under no circumstances will inquirers be permitted to take papers from the files outside of the building.

Allotment of Privileges to Trespassers.

REG. A-10. All cases of trespass or fraud against the Government in connection with the National Forests will be handled on their merits as separate and independent transactions, and no effort will be made to force settlement of pending cases through the forfeiture of established privilege or preferences or the denial of privileges which might otherwise be granted to the applicant, except in cases where the trespasser has by fraudulent conveyance of his property or otherwise evaded satisfaction of judgment or where the denial of further privileges has been recommended by the Attorney General of the Department of Justice or his assistant, or by another bureau or department of the Government, or by the Solicitor of the Department of Agriculture or his assistant.

Advisory Committees.

REG. A-11. Wherever any association whose membership includes a majority of the local residents using a National Forest, or portion thereof, for like purposes, shall select a committee, an agreement on the part of which shall be binding upon the association, such committee, upon application to the district forester, may be recognized in an advisory capacity on behalf of the association, and shall be entitled to receive notice of proposed action and have an opportunity to be heard by the local forest officer in reference to any proposed changes likely to materially affect the use or interest in the Forest or portion thereof enjoyed by such permittees. The general principles of recognition and responsibility governing cooperation with live-stock associations are herewith extended, so far as they are applicable, to the other regular lines of business conducted on the National Forests.

This regulation is intended to offer a means by which local residents may confer with forest officers in reference to free use, timber sales, special use, claims, settlement, water power, etc. So far as applicable the procedure provided for dealing with recognized stock associations (see p. 73) will be followed in dealing with all other associations of Forest users. Forest officers will endeavor to extend the policy of cooperation with the users of the Forests to the fullest extent, giving fair prece-

dence to local needs when not injurious to the Forests or the broad purposes for which they are created.

Investigation of Complaints.

It is desired to give every opportunity for appeal in cases where, on the ground of an incomplete statement of facts or nonconformity with the regulations, there is good reason to question the decisions which have been made by forest officers. Complaints regarding the conduct of forest officers or any action taken by them should be specific, and include a statement of the facts, supported, if possible, by evidence or affidavit. Investigation will be made only when the complaint seems well founded and the circumstances seem to warrant it.

HOW TO REMIT MONEY.

Forest officers are prohibited from receiving payments for the sale of timber or the use of any forest lands or resources. All such payments must be made to a designated depository of the United States Treasury. The remittance to the depository should be in the form of a draft on New York or a postal or express money order, and must be accompanied by a letter explaining the purpose of the remittance. Form letters of transmittal for this purpose will be furnished by forest officers.

The designated depositories are as follows:

- District 1, Western Montana National Bank, Missoula, Mont.
- District 2, Denver National Bank, Denver, Colo.
- District 3, First National Bank, Albuquerque, N. Mex.
- District 4, First National Bank, Ogden, Utah.
- District 5, Anglo and London-Paris National Bank, San Francisco, Cal.
- District 6, Lumbermens National Bank, Portland, Oreg.
- District 7, Commercial National Bank, Washington, D. C.

PART II.—PROTECTION OF THE NATIONAL FORESTS.

FIRE DANGER.

Fire is an ever-present danger on the National Forests. The great size of the Forests compared with the size of the patrolling force, the difficulty of reaching remote areas across miles of wilderness, the dry air and light rainfall in parts of the West, the prevalence of lightning in the mountains, and the constant use of fire in the daily life of the people and in the industries all combine to make the hazard exceptional.

Among the chief causes of fire are railroads, lightning, campers, slash burning, incendiarism, and steam sawmills. The great fires of August, 1910, which swept northern Idaho and western Montana, destroyed many millions of dollars' worth of timber and 85 human lives and cost the United States \$839,000 for fire fighting. Like all other great conflagrations, these began with small fires which were fanned into fury by gales of wind. A small fire may at any time spread into a conflagration, and fires, matches, and burning tobacco should be used as carefully in the forest as they are in the home. Carelessness in this respect may mean the loss of lives, homes, stock, and forage, and of a vast amount of timber which belongs equally to all citizens.

Fires may start in a region remote from supplies and water and reach vast proportions before a party of fire fighters can get to the scene, no matter how promptly the start is made. By far the best plan, therefore, is to prevent fires rather than to depend upon fighting them once they start. This subject has been given the most earnest attention by the Forest Service. During the danger season the main attention of supervisors and rangers is devoted to preventing fire. Extra men are employed, the Forests are systematically patrolled, and a careful lookout maintained from high points. Roads and trails are so built that every part of the Forest may be quickly reached with pack animals. Tools and food for fire fighters are stored at convenient places. The ranger stations and lookout points are connected with the offices of the supervisors by telephone, so that men may be quickly assembled to fight a dangerous fire which the patrolman can not subdue alone.

The cooperation of all Forest users is earnestly sought in the work of preventing fire by informing the nearest forest supervisor or ranger of any fire which may be discovered.

By the observance of the following simple rules for the handling of fire in the mountains all users of the Forest will very materially assist in their protection.

THE SIX RULES FOR THE PREVENTION OF FIRES IN THE MOUNTAINS.

1. *Matches.*—Be sure your match is out. Break it in two before you throw it away.

2. *Tobacco.*—Throw pipe ashes and cigar or cigarette stumps in the dust of the road and stamp or pinch out the fire before leaving them. Don't throw them into brush, leaves, or needles.

3. *Making camp.*—Build a small camp fire. Build it in the open, not against a tree or log, or near brush. Scrape away the trash from all around it.

4. *Leaving camp.*—Never leave a camp fire, even for a short time, without quenching it with water or earth.

5. *Bonfires.*—Never build bonfires in windy weather or where there is the slightest danger of their escaping from control. Don't make them larger than you need.

6. *Fighting fires.*—If you find a fire, try to put it out. If you can't, get word of it to the nearest United States forest ranger or State fire warden at once. Keep in touch with the rangers.

FIRE TRESPASS.

REG. T-1. The following acts are prohibited on lands of the United States within National Forests:

(A) Setting on fire or causing to be set on fire any timber, brush, or grass: Provided, however, That this regulation shall not be construed to prohibit the building of necessary camp fires or other fires for domestic or manufacturing purposes.

(B) Building a camp fire in leaves, rotten wood, or other places where it is likely to spread, or against large or hollow logs or stumps, where it is difficult to extinguish it completely.

(C) Building a camp fire in a dangerous place, or during windy weather, without confining it to holes or cleared spaces from which all vegetable matter has been removed.

(D) Leaving a camp fire without completely extinguishing it.

(E) Using steam engines or steam locomotives in operations on National Forest lands under any timber-sale contract or under any permit, unless they are equipped with such spark arresters as shall be approved by the forest supervisor, or unless oil is used exclusively for fuel.

National Forest Fire Law and Regulations.

The act of June 4, 1897, authorizes the Secretary of Agriculture to make rules and regulations for the occupancy, use,

and protection of the National Forests and provides that any violation of such rules and regulations shall be punishable by a fine of not more than \$500, or imprisonment for not more than 12 months, or both. The Secretary, in the exercise of this authority, promulgated regulation T-1 to insure care with fires and thus protect National Forest resources.

Setting Fire on Public Lands.

Section 52 of the act of March 4, 1909 (35 Stat., 1088), provides a fine of not more than \$5,000, or not more than two years' imprisonment, or both fine and imprisonment, for willfully setting on fire or causing to be set on fire any timber, underbrush, or grass upon the public domain or for leaving or suffering a fire to burn unattended near any timber or other inflammable material.

Failing to Extinguish Fires on Public Lands.

Section 53 of the same act provides a fine of not more than \$1,000, or not more than one year's imprisonment, or both fine and imprisonment, for failure to totally extinguish a fire built in or near any forest, timber, or other inflammable material upon the public domain before leaving it.

Prosecution.

Offenders can be prosecuted under either of these acts. The United States, having all of the legal remedies of a private citizen, can, in addition to criminal prosecution, bring civil suit to recover damages for loss by fire.

Innocent and Willful Trespass.

Cases in which fire spreads after all reasonable precautions are taken, or where the fire is entirely the result of accident, will be considered innocent, and only actual or compensatory damages will be demanded.

All cases where fires are set maliciously, or allowed to spread through gross carelessness or neglect, or in violation of any Federal or State law, are willful, and criminal prosecution will be instituted as well as action for damages.

Destruction of Timber Not the Only Damage.

It is evident from the purposes and uses of the National Forests that the destruction of mature standing timber is not the only actual damage done by fire for which compensation may be claimed. Injury or destruction of smaller trees, fit for posts or fuel, young seedlings or saplings of all species, forage, and the productivity of the soil are all losses which the courts have recognized. Damage to a watershed is a loss no less real but more difficult to estimate.

Rewards.

REG. T-2. Hereafter, provided Congress shall make the necessary appropriation or authorize the payment thereof, the Department of Agriculture will pay the following rewards:

First. Not exceeding \$250 and not less than \$50 for information leading to the arrest and conviction of any person, in any United States court, on the charge of willfully and maliciously setting on fire, or causing to be set on fire, any timber, underbrush, or grass upon the lands of the United States within a National Forest.

Second. Not exceeding \$100 and not less than \$25 for information leading to the arrest and conviction of any person, in any United States court, on the charge of building a fire on lands of the United States within a National Forest, in or near any forest timber or other inflammable material, and leaving said fire before the same has been totally extinguished.

Third. All officers and employees of the Department of Agriculture are barred from receiving reward for information leading to the arrest and conviction of any person or persons committing either of the above offenses.

Fourth. The Department of Agriculture reserves the right to refuse payment of any claim for reward when, in its opinion, there has been collusion or improper methods have been used to secure the arrest and conviction thereunder, and to allow only one reward where several persons have been convicted of the same offense or where one person has been convicted of several offenses, unless the circumstances entitle the claimant to a reward on each such conviction.

These rewards will be paid to the person or persons giving the information leading to such arrests and convictions upon presentation to the Department of Agriculture of satisfactory documentary evidence thereof, subject to the necessary appropriation, as aforesaid, or otherwise, as may be provided by law.

Applications for reward, made in pursuance of this notice, should be forwarded to the Forester, Washington, D. C.; but a claim will not be entertained unless presented within three months from the date of conviction of an offender.

In order that all claimants for reward may have an opportunity to present their claims within the prescribed limit, the department will not take action for three months from date of conviction of an offender. The above is applicable to offenses committed since July 1, 1910.

The purpose of this regulation is to secure the cooperation of all well-intentioned people in the discovery of fires carelessly or maliciously set, and in the prosecution of offenders. All per-

sons having information in regard to the setting of fires are urged to report the facts to the nearest forest officer.

Cooperation in Enforcing State Fire Laws.

REG. P-1. All forest officers will cooperate with State officials, so far as practicable, to enforce State laws for the prevention and extinguishment of forest fires. When authorized to do so by the proper State officers, they will, without additional pay, act as fire wardens with full power to enforce the local laws.

Fire Protection Cooperative Agreements.

REG. P-2. The Forest Service shall, whenever possible, and is hereby authorized to, enter into such agreements with private owners of timber, with railroads, and with other industrial concerns operating in or near the National Forests as will result in mutual benefit in the prevention and suppression of forest fires; provided, that the service required of each party by such agreements shall be in proportion to the benefits conferred.

The cooperation of all corporations and individuals having a direct interest in the protection of timberlands within and contiguous to the National Forests is desired.

Necessary stipulations against the setting of fires, and clauses requiring cooperation in fighting fires, are inserted in permits for the use of the National Forests. The general policy is to pay permittees for services rendered in connection with fires which do not arise from their carelessness or from the use granted by the terms of their permit or contract. When, however, it appears that a fire, unless promptly extinguished, may affect or permanently prevent the enjoyment of the use granted the permittees, they will be expected to furnish a certain amount of assistance free of charge.

PROTECTION OF WATER SUPPLY.

Importance of Protection.

Undoubtedly the greatest value of the mountain ranges of the West, most of which are within National Forests, lies in their influence upon the regularity of the water supply. In many of the States the mountains afford the only water supply for domestic use, for irrigation, and for the development of power. The future development of the entire region, therefore, will depend upon the amount of water and the manner in which it flows from the mountains.

The vegetative covering has a very decided influence on runoff. For this reason Congress made the preservation of condi-

tions favorable to stream flow one of the principal objects in the establishment and administration of the National Forests.

Cooperative Agreements.

To insure the sufficiency and purity of the water supply of a municipality or of an irrigation district, or to prevent floods and snowslides, the use of watersheds for grazing, timber, special uses, or settlement will be specially restricted by the Secretary when such restriction is necessary. Applications for such restrictions should be made to the forest supervisor by city authorities or by petition of associations of interested citizens. The supervisor will submit a complete report upon application, paying particular attention to the need and reasonableness of the restrictive measures requested, and the effect which the proposed restrictions will have upon established industries.

The watersheds tributary to many of the larger western cities and towns are under special protection by the Forest Service. Under Regulation P-4 it is possible to maintain such sanitary control of them as will greatly reduce the danger of typhoid and other enteric diseases.

REG. P-3. For the purpose of protecting water supplies of towns, cities, and irrigation districts, the use of National Forest lands will be restricted by the Secretary of Agriculture, with such conditions as to reservations from other uses of the land and to assistance to be given the Forest Service by the town or city in establishing special protective measures as may be deemed necessary or advisable. Such use will be granted under formal agreement between the Secretary of Agriculture and the properly authorized official of the town, city, or irrigation district.

Stipulations in Permits and Contracts.

It is the duty of every forest officer before granting a permit for any use of the National Forests to consider its effect on the water supply, and when necessary to incorporate in the permit or contract stipulations which will afford protection from possible injury.

PROTECTION OF GAME, FISH, AND BIRDS.

REG. G-30. All forest officers will cooperate with State or Territorial officials, so far as they can without undue interference with their regular forest work, to enforce local laws for the protection of birds, fish, and game. When properly authorized to do so they will act without additional pay as deputy game wardens with full power to enforce local laws, but may not accept any fees or rewards or parts of fines on account of the enforcement of State game laws. Forest offi-

cers and employees may, however, accept any bounties voluntarily offered by any State or county or any association or individual for the destruction of predatory wild animals.

Wild game adds materially to the enjoyment of the National Forests by the public, and the preservation of game animals, birds, and fish is a public duty. Although this duty rests primarily with the State, the Forest Service will assist, so far as practicable, in the protection of game within the National Forests. Information regarding game violations should ordinarily be reported to State officials, but where this is impracticable, it may be given to the nearest forest officer, who will either promptly report the matter to the proper State official or will himself take action to apprehend the offender.

GAME AND BIRD REFUGES.

Four Classes.

Four different classes of game and bird refuges may be included within the National Forests: National game refuges or areas in which the killing of game animals is prohibited by acts of Congress; national bird refuges or areas in which the killing of birds is prohibited by acts of Congress; State game preserves, or areas in which the killing of game is prohibited by the legislature of the State or Territory; and protected areas or areas closed to the grazing of all classes of stock in order to protect game in its natural feeding or breeding grounds, but where hunting is allowed by the State laws.

National Game Refuges.

National game refuges are created by specific acts of Congress for the purpose of preventing trespass upon public lands in order to protect game and birds. Within a national game refuge local game laws apply only on private, State, or Territorial lands.

Authority of Rangers.

The hunting, trapping, capturing, or killing of game animals upon a national game refuge in violation of any of the regulations for their protection prescribed by the Secretary of Agriculture under the authority of the statute creating it is a violation of the statute, and offenders will be tried in the United States district courts and not in the State or Territorial courts. Under authority granted by Congress, rangers are empowered to arrest persons violating national game refuge regulations.

National Bird Refuges.

National bird refuges are created under authority of an act of Congress, by Executive proclamation or order. The hunting, trapping, capturing, willfully disturbing, or killing any bird of

any kind whatever or taking the eggs of such birds on any lands of the United States within national bird refuges in violation of any of the regulations prescribed by the Secretary of Agriculture is a violation of the statute. Legal procedure and action on the part of forest officers in cases of violation of the regulations on national bird refuges will be the same as on national game refuges.

National Forest lands within the bird refuges are administered by the Forest Service as other National Forest lands, but such special protective measures are adopted as may be necessary to carry out the purposes of the refuges.

Forest officers will take prompt steps to instigate prosecutions for violation of the regulations governing national bird refuges within National Forests.

State Game Preserves.

State game preserves are created by specific acts of the State or Territorial legislature for the purpose of protecting game animals. Such acts apply to all lands embraced within the described area, including public lands of the United States, unless they conflict with acts of Congress. The killing of game in violation of the act creating a State game preserve is a violation of the State or Territorial laws, and offenders will be tried in the State or Territorial courts.

Protected Areas.

Protected areas may be established by the Forester within the National Forests by the exclusion of live stock from limited areas which are the natural feeding or breeding grounds of game animals or birds.

Grazing Trespass on Protected Areas.

The boundaries of protected areas will be marked with notices showing that the areas are closed to the grazing of certain or all classes of stock. The grazing of stock upon the area will be considered as grazing trespass.

Eradication of Predatory Animals.

So far as practicable, the Forest Service will render assistance in the extinction of predatory animals which are destructive to game and grazing animals. Users of the Forests should report instances of game killed by predatory animals to the nearest forest officer.

Stocking of Streams.

In so far as its funds permit, the Forest Service cooperates with the Bureau of Fisheries and with State and Territorial departments, and with organizations and individuals, in the stocking of streams with fish.

PROTECTION AGAINST FOREST INSECTS.

Cooperation with Private Owners.

The Forest Service will, as far as practicable, cooperate with private owners in the control of insect infestations in stands of National Forest and private commercial timber within the same topographic unit. Where Forest and private timber are both infested the general basis for such cooperation will be to divide the expense of the control work between the Forest Service and the private owner in proportion to the acreage of each class of timber involved in the project. Where accessible stands of private commercial timber are endangered by infested National Forest timber the general basis for cooperation will be to divide the expense equally between the Forest Service and the parties concerned.

Requests from private owners for advice or assistance in the control of insect attacks, and not involving cooperation on the part of the Forest Service, will be referred to the Bureau of Entomology.

PROTECTION OF THE PUBLIC HEALTH.

REG. P-4. The following acts are prohibited: Having or leaving in an exposed or insanitary condition on National Forest lands camp refuse or débris of any description, or depositing on National Forest lands or being or going thereon and depositing in the streams, lakes, or other waters within or bordering upon the National Forests any substance or substances which pollute or are liable to cause pollution of the said streams, lakes, or waters.

Every precaution will be taken by forest officers to protect the public health. All persons on National Forest lands are liable to trespass proceedings if insanitary conditions result from their presence.

The main danger to be guarded against is that of typhoid fever, resulting from toilet accommodations which drain to waters used for domestic purposes, and from the exposure of refuse of all kinds to flies.

In large or permanent camps latrines must be dug in suitable locations remote from the water, and disinfectants should be used freely. All camp refuse must be disposed of, either by burying or burning. In small temporary camps suitable precautions should be observed, and refuse of all kinds must be kept well away from the water. The carcasses of all dead animals when they are a menace to public health should be buried or burned. (See Reg. G-27.)

Forest officers will enforce compliance with Regulation P-4 on the part of all campers, stockmen, permittees, and other persons traveling through or occupying National Forest lands.

PROTECTION OF GOVERNMENT PROPERTY.

PROPERTY TRESPASS.

REG. T-6. The following acts are prohibited:

(A) The willful tearing down or defacing of any notice of the Forest Service posted within a National Forest.

(B) The going or being upon lands of the United States within a National Forest with intent to destroy, molest, disturb, or injure property belonging to the United States, or used by the United States in the administration of the National Forests.

REG. T-7. Hereafter, unless otherwise ordered, provided Congress shall make the necessary appropriation, or authorize the payment thereof, the Department of Agriculture will pay not exceeding \$100 and not less than \$25 for information leading to the arrest and conviction, in any United States court, of any person charged with destroying or stealing any property of the United States within the custody of the Forester, Forest Service, United States Department of Agriculture.

This reward will be paid to the person or persons giving the information leading to such arrest and conviction upon presentation to the Department of Agriculture of satisfactory evidence thereof, subject to the necessary appropriation as aforesaid, or otherwise as may be provided.

Officers and employees in the Department of Agriculture are barred from receiving such rewards.

The Department of Agriculture reserves the right to refuse payment of any claim for reward when, in its opinion, there has been collusion or improper methods used to secure arrest and conviction, and to allow only one reward where several persons have been convicted of the same offense or where one person has been convicted of several offenses, unless the circumstances have entitled the person to a reward on each conviction.

Applications for reward, made in pursuance of the above notice, should be forwarded to the Forester, Washington, D. C.; but no claim will be considered unless presented within three months from the date of conviction of an offender. In order that all claimants for rewards may have opportunity to present their claim within the prescribed limit, the Department will not take action with respect to rewards for three months from the date of the conviction of an offender.

What Constitutes Property Trespass.

The unauthorized appropriation of property of the United States used in the administration of the National Forests also constitutes a felony (secs. 46, 47, act of Mar. 4, 1909), punishable by a fine of not more than \$5,000 or imprisonment for not more than 10 years, or both.

Damage to or Destruction of Telephone Lines.

Section 60 of the act of March 4, 1909, makes the following provision relative to the injury or destruction of Government telephone lines:

Whoever shall willfully or maliciously injure or destroy any of the works, property, or material of any telegraph, telephone, or cable line or system, operated or controlled by the United States, whether constructed or in process of construction, or shall willfully or maliciously interfere in any way with the working or use of any such line or system, or shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such line or system, shall be fined not more than \$1,000 or imprisoned not more than three years, or both.

PART III.—TIMBER SALES, FREE USE, TIMBER SETTLEMENT, ADMINISTRATIVE USE OF TIMBER, FOREST INVESTIGATIONS, TIMBER TRESPASS.

TIMBER SALES.

NATIONAL FOREST TIMBER FOR SALE.

All mature timber on the National Forests which may be cut with benefit, in accordance with the principles of forestry, is for sale and will be offered as demand arises. Only stumpage is sold, the title to the land remaining with the Government. Timber may be sold in amounts ranging from a few thousand feet up to whatever amount may be necessary to warrant the investment required for constructing a railroad or other means of transportation into comparatively inaccessible regions.

HOW TO PURCHASE TIMBER.

Application.

After selecting the tract of timber desired, the prospective buyer makes application to purchase, verbally or by letter, to the supervisor of the National Forest within which the timber is situated. (A list of National Forests, together with the headquarters of the supervisor, appear on p. 158.) This application should include a description of the location and amount of timber, a statement of the system of logging proposed, the approximate amount to be handled annually, and date when it is desired to begin cutting. Applications for amounts of less than \$100 may be made direct to the nearest forest ranger, who can conclude the sale without delay. (See Reg. S-19.)

Appraisal.

Before timber valued at \$100 or more can be sold a detailed cruise and appraisal must be made. In this manner the actual market value of the stumpage on the specific tract is determined, as well as the conditions to be incorporated in the contract. (This is explained under Reg. S-7.)

Advertisement.

All sales of timber in amounts in excess of \$100 must be advertised for a period of at least 30 days. Advertisement is begun upon the approval of stumpage rates and terms of sale, which are first discussed with the applicant. The approved stumpage rates are included in the advertisement and constitute the minimum rates for which bids will be considered. A final date for the receipt of bids and the important conditions of the sale are also included in the advertisement. (See Reg. S-8.)

Deposit with Bid and Awards.

A deposit is required with each bid to show the good faith of the bidder. In large sales the deposit is based upon the probable rate of cutting, and ordinarily covers the estimated cut during two months of active logging. All deposits with bids are returned to unsuccessful bidders or are credited to the account of the purchaser. (See Reg. S-12.) The bids are opened on the date set and the sale awarded. (See Reg. S-9.) If no bids are received, the timber may subsequently be sold, without further advertisement, at not less than the advertised rates. (See Reg. S-20.) In all sales exceeding 10,000,000 feet a statement of financial ability to conduct the operation and fulfill the terms of contract must be furnished prior to the award, and the same may be required in small sales. (See Reg. S-10.)

Bonds.

In all sales of timber over \$3,000 in value, and in smaller ones where deemed necessary, the contract must be supported by a bond given by two responsible sureties or by a surety company authorized to do business with the United States. The amount of bond is based upon the sale value of the timber. (See Reg. S-11.)

Contract.

The general contract requirements are set forth on page 39. When the requirements previously mentioned have been fulfilled and the contract approved, cutting may begin. Cutting prior to advertisement may be allowed in cases of emergency, as explained in Regulation S-13.

WHERE TIMBER MAY BE CUT.

REG. S-1. The cutting of timber within the National Forests may be authorized under sale or permit, or otherwise, as prescribed by regulation:

- (1) On any vacant land.
- (2) On any abandoned mineral location.
- (3) On any unperfected lode location, or placer location on unsurveyed land, the boundaries of which are not marked and which show no substantial evidence of location or development.
- (4) On any unpatented claim with the written consent of the claimant.
- (5) On any unpatented claim, if necessary without the consent of the claimant, in emergencies arising from insect infestations or rapid deterioration of fire-killed timber.
- (6) On any unpatented mineral location made within a sale area after execution of a sale contract.

(7) On unapproved selections, unclassified grant lands, and other lands of unsettled status, in emergencies to prevent serious and unnecessary loss, upon submission of a bond by the operator to pay a stipulated price for the timber cut if title is not perfected adversely to the Government within a specified period. Where allowed by law timber may be cut without additional authorization by the claimant from any unperfected claim for its actual development or for uses consistent with the purposes for which the claim was entered. All other cutting is prohibited.

Those interested in the purchase of National Forest timber will find the procedure outlined on page 51.

Sale of Timber from Lands of Uncertain Ownership.

Cutting from lands of uncertain ownership within the boundaries of National Forests, which would in the event of cancellation, forfeiture, or abandonment, revert to the United States, is allowed only to permit the utilization of fire-killed timber, insect-infested timber which is a menace to the surrounding forest, over-mature timber which is deteriorating rapidly, small tracts which will be isolated when the surrounding timber is cut, or in the case of emergency to prevent serious and unnecessary loss.

The person or company who cuts the timber will be required to file a satisfactory bond with the Forest Service for the full stumpage price which will be due the United States if title to the claim is not perfected adversely to the Government within a specified time.

Cutting by Claimants.

Timber on any unperfected claim may be cut by the claimant without sale or permit to any extent necessary for its development or for uses consistent with the purposes for which the claim was entered.

Payment for Timber Cut from Claims.

Unless authorized by law for the development or improvement of the claim or unless a satisfactory bond is furnished as prescribed above, payment for any timber cut from a claim must be made to the United States whether the claim is apparently held in good faith or not.

Protection of Purchasers.

Purchasers will as far as practicable be protected in the exercise of privileges granted them by the Forest Service against injunction or other proceedings brought by claimants of invalid claims.

LIMITATION OF CUT.

REG. S-2. The Secretary of Agriculture will prescribe from time to time, upon data furnished by the Forester, the maximum amount of matured and large-growth timber which may be cut, by years or other periods, on each National Forest or other unit.

Policy as to Restriction of Cutting.

The purpose of limiting the cut from any National Forest is (1) to conserve the supply of timber required for local use and (2) to restrict the amount removed from areas under intensive management to what they are currently producing.

It is the policy of the Forest Service to cut stands of overmature and mature timber as rapidly as practicable, subject to the retention of an adequate supply for all local needs and to the conditions stated under "Size and period of sales," page 36.

SILVICULTURAL AND UTILIZATION REQUIREMENTS.

REG. S-3. No sale shall be made until the approving officer is satisfied that practicable methods of cutting can be prescribed which will preserve the living and growing timber, promote the younger growth, and secure as complete utilization of the various species and grades of material as is compatible with existing market conditions.

Sales of Dead, Fire-damaged, Insect-infested, or Badly Diseased Timber.

Dead, fire-damaged, insect-infested, and badly diseased timber is sold wherever occurring as soon as practicable, and is appraised at rates which will, as far as possible, secure its removal before serious deterioration or spread of the damage to other timber occur.

Requirements in Other Sales.

Except under the conditions stated above, no sales are made unless it is practicable to require methods of cutting and slash disposal which will retain a sufficient stand for protection and a future cut or which will insure the restocking of the cut-over area with desirable species.

Sale of Overmature Timber.

The sale of overmature timber in which deterioration is taking place is hastened as far as possible.

Utilization Policy.

In all sales utilization is required of such sizes and grades of material as can be practicably marketed by an efficient operator. It is the policy of the Service to secure the closest utilization practicable, even if the same financial returns might be obtained for less material. All marked trees must be removed.

Stumps must be cut below a specified height and merchantable timber used to a specified diameter in the tops, which limits are adjusted to each species in accordance with the local manufacturing and market conditions.

MINIMUM PRICES.

REG. S-4. The Forester will prescribe from time to time the minimum stumpage prices at which the timber on each National Forest or designated portion thereof shall be appraised. Appraisals at less than the established minimum shall be approved by the Forester prior to sale of the timber. The minimum prices, however, will not apply to timber sold to homestead settlers and farmers under the terms of Regulation S-22, or to dead, fire-damaged, insect-infested, or badly diseased timber.

Policy in Fixing Minimum Rates.

The purpose of fixing minimum rates is to define the points at which it is believed wise public policy to withhold the timber from sale rather than to dispose of it at current market prices. No minimum rates apply in sales of dead, fire-damaged, insect-infested, or badly diseased timber. The full market value of such material is obtained as far as practicable. Except in the case of dead, fire-damaged, insect-infested, or badly diseased timber, no stumpage will be sold for less than its appraised market value.

Valuable Species.

Minimum rates on the more valuable commercial species in each district or portion of a district forming a distinct manufacturing region represent the lowest price at which a legitimate market demand, as distinct from either speculative or forced sales, exists for such timber in the least accessible situations where it is now being cut in the district or region.

Inferior Species.

The minimum rates for inferior species are such as will permit the practicable removal of these species, or such portions of them as it may be desirable to cut in connection with the logging of more valuable timbers. The lowest rate on green saw timber of any species, however, is 50 cents per thousand board feet.

SIZE AND PERIOD OF SALES.

Size of Sales.

REG. S-5. Sales of timber in small quantities are preferred and will be encouraged by every means possible. In no instance will more timber be sold under one contract than is

necessary to cover the cost of improvements which must be constructed and to permit logging under practical and economical conditions. Timber which can be practically logged in sales of 10,000,000 board feet or less will be reserved for operations of this size as far as such demand exists. Where the inaccessibility of the timber requires large investments for railroads or other improvements enough stumpage may be contracted in one sale to justify the outlay for these purposes and permit an operation of practicable size.

Time Limits.

REG. S-6. The period allowed for the removal of the timber will be fixed in the agreement. In sales extending over two or more years the minimum amount to be removed each year, or other designated period, must be specified.

All contracts exceeding five years in duration must contain a provision for the reappraisal or readjustment of stumpage prices at intervals of not more than five years.

Policy Governing Size and Period of Timber Sales.

Timber which can be practicably disposed of under sales of 10,000,000 board feet or less is reserved for operations of that size. Sales requiring larger investments for improvements and the handling of more timber ordinarily do not exceed 75,000,000 feet in amount and five years for removal. Inaccessible timber which requires extensive improvements may be contracted in even larger amounts sufficient to justify the investment necessary in each instance. The cutting period in such cases is fixed in accordance with practical logging, manufacturing, and marketing conditions.

Reserved Areas.

Sale agreements may provide that in addition to the stumpage purchased a specified area will be reserved from sale until the termination of the contract and then appraised and advertised. The terms of purchase of such reserved areas are necessarily left to future determination by the Forest Service and will be subject to competitive bids in the regular manner.

Readjustment of Stumpage Prices.

Every contract exceeding five years provides for the readjustment or reappraisal of stumpage prices. Readjustments will ordinarily be made every three years beginning with the commencement of the cutting period and exclusive of any preliminary period allowed for the construction of improvements. The readjustment period may be extended to four or five years in the case of chances involving exceptionally large investments and unusual risks.

Reservations for Future Operation.

As far as practicable the rate at which timber is sold from any unit insures a reasonable operating life for new mills constructed in connection with sales. Future sales to established mills can not be guaranteed, and National Forest timber will not be administered so as to give particular mills a monopoly; but the amount to be cut from year to year is regulated so that established plants, if successful competitors for the timber offered, can be assured continued operation for reasonable periods.

EXAMINATION, APPRAISAL, AND CONTRACT CONDITIONS.

REG. S-7. Before any timber is advertised or sold it shall be examined and appraised and the cutting area described by legal subdivisions or otherwise. The examining officer shall report the quantity and appraised value of the various kinds of timber on the area and shall base his appraisal upon the character of the timber, the cost of logging, transportation and manufacture, the investment required, the degree of hazard entailed in the operation, and the sale value of the manufactured products at practicable markets. He shall also report the contract conditions necessary for silviculture, fire protection, utilization, and other National Forest interests.

Examination of Sale Areas.

Upon the receipt of an application for the purchase of timber a detail cruise and appraisal is in every case made prior to the award of the sale. Where estimates and maps have already been compiled by the Forest Service an appraisal only is required. Sales will not be made without prior examination of the area.

Limits of Cutting Area.

Large sales usually include all the designated timber upon a defined area established by natural boundaries or blazed lines. Sales under \$100 in value are usually made by amount and are restricted to the smallest area which will yield the quantity purchased under the method of cutting employed. Except when patented lands or claims form part of the boundary, sale areas are defined as far as possible by topographical units conforming with natural logging chances. If only part of a natural logging chance is purchased, the sale boundaries will, as far as practicable, include timber of average accessibility and quality rather than the most desirable.

Stumpage Appraisals.

No timber is sold at prices less than the minimum rates established for the National Forest concerned.

Stumpage rates will be the actual market value of the timber. They are based upon the quality of the timber and charac-

ter of its commercial products, the estimated cost of logging, transportation, and manufacture, the investment required on the part of the operator, the selling value of the product, and a fair profit to the purchaser. The estimated profit will depend upon the size and permanency of the operation and the degree of hazard attending it. The cost of brush disposal, protection of young growth, logging only marked timber, and other requirements of the Forest Service are fully considered in appraising stumpage rates.

Merchantable dead timber is appraised at the same rate as green timber of the same species unless it is clearly shown that the products manufactured from it command a lower market price or that logging costs are higher.

Timber is ordinarily appraised at the rates indicated for the most valuable products to which it is suited and for which an established market exists.

Rights of Way.

Rights of way for railroads, tramroads, and other purposes, including the use of land for mill sites necessary in the removal and manufacture of timber, are allowed free of charge when handling principally National Forest products. Railroads that open up inaccessible regions may be required to be made common carriers or to transport logs or lumber for other purchasers from the Government at reasonable rates.

Contract Requirements.

Although special clauses applicable to the particular case are usually required in all larger sales, all contracts fully cover the following points:

- (1) Specifications of the material the utilization of which is required, including a definition of what is termed merchantable.
- (2) Provision for a scale, measure, or count of the various products according to their commercial use, such as saw logs by the M feet board measure; ties by the piece; piles by length and top diameter; mining timbers by the linear foot, etc.
- (3) Minimum amounts of timber to be cut annually or periodically specified.
- (4) Periodic revision of stumpage rates.
- (5) The disposal of slash by some practical method.
- (6) Approval by a forest officer of the plan of logging operations in so far as National Forest interests are concerned.
- (7) Assistance in preventing and fighting forest fires.
- (8) Provisions for rights of way.

The conditions of contract should be carefully read by the purchaser before he signs the contract. Sample contracts covering general conditions may be had upon application to any forest supervisor.

ADVERTISEMENT.

REG. S-8. Timber in amounts exceeding \$100 will be advertised prior to sale for periods extending from one to six months, in accordance with its quantity and value, but this requirement will not apply to sales at cost to settlers and farmers under Regulation S-22.

Requirements of Law.

Advertisement of sales of timber exceeding \$100 in amount is required by act of June 6, 1900 (31 Stat., 661), for a period of not less than 30 days.

General Policy.

The character and extent of advertising is determined with a view to securing all possible competition in the bids for timber, and all practicable steps to inform and interest prospective bidders are taken.

In general, sales of local interest are advertised for 30 days, sales of regional interest for 2 months, and sales of general interest for from 2 to 6 months.

AWARDS—PREVENTION OF MONOPOLY.

REG. S-9. Advertised timber will be awarded to the highest bidder upon submitting satisfactory evidence of financial standing, unless:

(1) Urgent considerations have arisen which make the sale undesirable, in which case all bids may be rejected.

(2) Allotments to several bidders are practicable and advisable.

(3) Award to a purchaser in an emergency sale at the highest price bid, or a division of the timber between such purchasers and other bidders, may be required by the existence of an emergency or in equity on account of operations previously begun on the sale area.

(4) Monopoly from the control of large amounts of public or of public and private timber would result, in which case all bids may be rejected and the timber readvertised.

Before examining timber on application or making an award a statement of the relation of the applicant or bidder to other persons, firms, or corporations holding permits or agreements for the use of National Forest resources may be required in the discretion of the approving officer. Firms or corporations may be required to furnish a certified statement of their members or stockholders.

Equal bids.

When two or more bids equal in amount and higher than any others submitted are received from operators to whom sales are permitted under the regulations and a division of the timber is not practicable, all bids will be rejected and the timber held for private sale. All bidders will be informed that sealed bids at not less than the highest price previously offered will be received up to a specified time, from two or ten days following the date of notification.

If it appears possible to secure additional competition, further publicity of the sale will be given, and the dates of opening informal bids fixed accordingly.

Monopoly.

Should any question of monopoly through the possible control of large quantities of National Forest timber by affiliated operators arise, a certified statement of the relation of the applicant or operator to other purchasers of National Forest timber may be required. A certified statement of the membership of firms and lists of stockholders in corporations may similarly be required. Lumber companies already holding large amounts of timber on private lands may be refused sales if there are any other purchasers, and companies having one sale may be refused others until the first has been cut.

Sales to Actual Purchasers Only.

Applications or bids must be made in every instance by the person who proposes to purchase the timber. Bids from an agent for an undisclosed principal will not be considered. Advertised sales will not be awarded to an officer of a corporation in his individual capacity when the timber is intended for the use of the corporation.

Refunds to Unsuccessful Bidders.

When the timber has been awarded the deposits made by unsuccessful bidders will be refunded.

FINANCIAL STANDING OF PURCHASERS.

REG. S-10. In all sales exceeding 10,000,000 feet, and in smaller sales when necessary in the judgment of the approving officer, the successful bidder will be required prior to award of the timber to submit a satisfactory statement of financial ability to conduct the operation and fulfill the terms of the agreement, or his financial standing will be determined by forest officers. Such a statement may be required before advertisement or before steps are taken to examine areas applied for.

Object.

Financial requirements are imposed:

(1) To secure as purchasers bona fide operators having adequate financial assets to carry out sale contracts successfully;

(2) To eliminate speculators and promoters who risk no capital of their own, have little permanent interest in the success of the enterprise, and seek profits primarily from the formation of a new company or manipulation of its stock.

These requirements will not be so enforced as to prevent legitimate promotion or the financing of National Forest sales in part on borrowed capital by responsible men in accordance with conservative business standards.

The evidence of financial responsibility is designed primarily to show that the operator is able to cut the amount of timber involved in the time specified; that is, that the enterprise as a whole is soundly financed and will be carried to a successful conclusion. It is more necessary in large than in small sales, because the success of the former is more dependent upon adequate capital than that of the latter. The evidence of financial standing is thus distinct from the bond, which is designed primarily to support the detailed requirements of the agreement as to advance deposits, methods of cutting, slash disposal, etc.

All information obtained regarding the financial standing of purchasers or applicants will be held confidential.

BONDS.

REG. S-11. The officer approving any timber sale agreement may require the purchaser to furnish a bond for satisfactory compliance with its terms.

When Required.

Bonds are required:

(1) In all sales of more than \$10,000 worth of timber.

(2) In the first sale to any operator of more than \$3,000 worth of timber.

(3) In subsequent sales to the same operator involving from \$3,000 to \$10,000 worth of timber when considered necessary by the approving officer to insure compliance with the agreement.

(4) In sales involving less than \$3,000 when necessary, in the judgment of the approving officer, to insure compliance with the agreement.

Amount.

The following table conveys a general idea of the amount of bond required in sales of various sizes. These amounts may be increased for special reasons.

Amount of sale.	Amount of bond
\$1,000 to \$10,000.....	10 per cent of amount of sale.
\$11,000 to \$50,000.....	8 per cent with a minimum bond of \$1,000.
Over \$50,000.....	5 per cent with a minimum bond of \$4,000 and a maximum of \$50,000.

Sureties.

Surety companies are preferred to individuals, but purchasers are not required to furnish corporate surety.

Under the acts of August 13, 1894, and March 23, 1910, the Treasury Department issues lists of surety companies (section of surety bonds, Form 356) acceptable on Federal bonds. Only surety companies named in the latest list whose responsibility is determined by the Treasury Department will be accepted.

Individual sureties must be two in number, each good for the full amount of the bond. If the purchaser is a copartnership, sureties other than its partners will be required; if a corporation, sureties other than its officers or stockholders will be required. The minimum requirement for each surety will be the possession of property, over and above all legal liabilities and exemptions and subject to sale on execution, worth at least the amount named in the bond.

Liability of Surety.

The liability of the surety is limited to damages arising from violations of the terms of the contract and may not exceed the amount of the bond.

DEPOSITS, REFUNDS, AND TRANSFERS.

REG. S-12. No timber shall be cut under any sale contract until it has been paid for. A deposit must accompany every bid for advertised timber.

Refunds may, in the discretion of the Forester or district forester, be made to depositors or to their legal representatives of sums deposited in excess of amounts actually due the United States. Refunds or payments may also be made to the rightful claimants of sums erroneously collected for timber or other forest products.

Transfers of deposits from one transaction to another or from the credit of one purchaser to that of another with the written consent of the original depositor may be made by the supervisor or district forester.

With Bids and in Sales.

Advance payments in sales are based upon the probable rate of cutting, and ordinarily covers the estimated cut during two months of active logging. Failure to make prompt payment

upon request is cause for suspending operation, if the value of the timber cut equals the amount on deposit or may equal it before further deposit can be made.

Each bid must be accompanied by a deposit, usually of the same amount as the advance payments. If cutting will be delayed six months or more by the construction of improvements, the bid deposit is limited to \$10,000.

How Deposits Should be Made.

The purchaser should send the required deposit to the United States depository with a letter of transmittal furnished by the forest officer. Remittances should be by postal money order, express order, or New York draft. Currency may be sent at the owner's risk. Postage stamps, foreign money, uncertified checks, or defaced coin will not be accepted.

Policy in Making Refunds.

Generally speaking, all money not due the Government on any transaction will be refunded, provided the United States has suffered no damage from violations of the agreement for permit.

EMERGENCY SALES.

REG. S-13. Timber may be sold in amounts exceeding \$100 in advance of advertisement in cases of unusual emergency.

An unusual emergency exists if the applicant is in immediate need of timber for his own use or if immediate cutting is necessary on account of climatic conditions or logging requirements.

Where any competition is probable emergency sales will be made only when the need of the applicant is so serious as to justify giving him preference over other bidders in the award of the timber.

Emergency sales of not more than 5,000,000 feet b. m. will be approved by the district forester and of more than 5,000,000 feet by the Forester.

Policy.

It is expected that purchasers will apply for timber desired by them far enough in advance to make emergency sales unnecessary. Emergencies so serious as to warrant cutting in advance of advertisement where competition is possible, rarely occur. Where necessary, however, emergency sales may be allowed under conditions named in the regulations. Under the terms of the emergency sale the applicant agrees to bid for the timber advertised at not less than the specified minimum rate, and to pay for all timber cut under the emergency sale at not less than the minimum rate, or if a bid higher than the minimum rate is received, at the rate of such bid.

Provision for Other Bidders.

Awards should be made if practicable to the applicant and to any persons who have outbid him, at the highest price offered by any bidder. The applicant for advance cutting, will, however, be given first consideration in the award, provided that he will contract for all the timber advertised, whether cut or uncut, at the highest price bid in good faith.

Limitation in Amount.

An emergency sale does not authorize an applicant to take all the timber applied for at the highest rate bid, but only such timber as is cut before the completion of the advertisement. In no case will the applicant be allowed to cut timber in excess of his deposit. A bid must be submitted by the applicant and a contract providing for payment at the highest price bid executed upon presentation, otherwise cutting will be suspended until these requirements are met.

SPECIAL USES IN SALES.

Camps, buildings, roads, and all other improvements and structures necessary in the conduct of logging operations must be located and operated in a way consistent with the protection of National Forest interests. No charge is made for the use of National Forest lands for such purpose when Government timber is principally handled.

MODIFICATION OF AGREEMENTS.

REG. S-14. Modification of timber sale agreements will not be allowed except in cases where the full performance of the agreement by the purchaser is rendered inequitable by some act of the United States or where the modification is sought in respect to the unexecuted portion of the agreement and will not be injurious to the United States. Modifications, where proper under this regulation, may be made by the officer approving the sale or by his superior officer.

Purpose.

Modifications will be used to make the terms of sale more equitable either to the purchaser or the United States where this can be done without injury to either. Purchasers should not, however, enter into agreements with the belief that they can be modified without substantial reasons.

Extension of Time.

Extensions of time affecting either the dates within which specified amounts of material are to be removed or the final contract date are not allowed for speculative purposes. They may be approved to prevent hardships to purchasers caused by

emergencies or conditions over which they have no control, such as severe market depressions. In making extension of the date of the final contract the Forest Service will determine whether the existing price is sufficient and whether the agreement should be modified with reference to existing conditions on the sale areas and the methods of marking, scaling, utilization, or sale administration.

Where a bond has been furnished, the consent of sureties must be secured before any modification of agreement is approved, unless such consent is specifically waived in the bond itself, or unless the modification affects a small amount of material and the sale is in such satisfactory condition that the continuation of the bond is unnecessary.

Enforcement Required.

No forest officer is authorized to sanction the violation of any part of a timber-sale agreement.

Modifications in Writing.

No forest officer has authority to modify any agreement verbally. Such modification must be in writing and approved by the officer having authority to make the sale, or his superior.

Completion of Agreements by Sureties.

In case of abandonment or repudiation of agreements or where the purchaser is unable or unwilling to satisfy requirements essential to prevent loss to the United States, the surety will be given opportunity to complete the sale. Sureties will be notified of the status of the sale and formally requested to complete the agreement if they desire. If the surety does not wish to carry out the agreement, the contract will be canceled or action brought for breach of contract, as the circumstances may require.

CANCELLATION OF AGREEMENTS.

REG. S-15. Agreements for the sale of timber may be canceled: (1) For serious or continued violation of their terms; (2) when such action is of advantage to the United States or is not prejudicial to its interests; or (3) when cancellation is shown to be required in equity to the purchaser upon a review of the conditions existing at the date of sale in accordance with which its terms were fixed.

Cancellations of the second and third class will be made only upon the application or with the consent of the purchaser. Cancellations of the first and second class will be made only by the superior of the forest officer who approved the original agreement or by the Forester. Cancellations of the third class will be made only by the Forester.

Preliminary Requirements.

Before any agreement is canceled purchasers will be required to clean up the sale area in accordance with the terms of the agreement, to pay for all timber cut, and to compensate the United States for any other injuries sustained.

Hearing Allowed.

Before final action is taken to cancel an agreement for serious or continued violation of its terms the purchaser will be given a reasonable and specified time to show cause why the contract should not be canceled.

Conditions of Cancellation.

Timber sale agreements may be canceled when such action is not prejudicial to the interests of the United States if it is impossible for the purchaser to continue operations, because of conditions over which he has no control, such as loss of his plant by fire or absolute loss of the market for his product. Cancellations will be approved under such conditions only when it is clearly shown that the value of the uncut timber will not be reduced below the contract price and that the interests of the United States will not otherwise be affected adversely.

For Error in Appraisal.

Cancellation of agreements may be made to correct errors in the original appraisal so serious that the purchaser can operate only at a loss. Where such cancellations are made the purchaser will have to take his chances in securing the timber under a new sale, since after reappraisal and readvertisement it will be awarded to the highest bidder.

ACTION FOR BREACH OF CONTRACT.

REG. S-16. Action for breach of contract may be brought for serious or continued violations of the sale agreement or where damages to the United States from violation of the agreement can not be recovered otherwise. Such action will be brought only with the approval of the Forester.

Damages.

Damages cover all injuries resulting from violations of the contract, including any depreciation in the value of the timber left due to the cutting of more accessible timber.

Action for breach of contract does not, except in case of abandonment or repudiation, terminate the agreement. Cancellation may be resorted to if after settlement of an action for breach of contract serious violation continues.

MARKING.

REG. S-17. No live trees shall be cut under any contract until marked or otherwise designated by a forest officer.

Method.

All live trees to be removed from the sale area under the agreement are marked or otherwise unmistakably designated by a forest officer before cutting is allowed. Where only dead timber is purchased, and no living trees will be cut, or where patches are to be cut clean, forest officers may, instead of marking every tree to be removed, blaze and mark a boundary of the cutting area or patch and instruct the purchaser accordingly.

Where individual trees are marked, they are blazed and stamped "U. S." next to the ground on the lowest side of the stump. Additional blazes may be made several feet above the ground whenever desired by the purchaser for the convenience of his fallers, or where the snow may conceal the lower mark from the cutters. No unmarked or undesignated timber shall be cut.

Demonstration to Purchasers.

The system of marking and the proportion of the timber to be cut is explained to purchasers by marking sample areas before the contract is executed. The cost of logging under the methods of marking adopted are compensated fully in the stumpage appraisal.

SCALING.

REG. S-18. No timber cut under any contract shall be removed from the place designated until it has been scaled, measured, or counted and stamped by a forest officer, unless such removal is specifically authorized in the agreement.

No person except a forest officer shall stamp any timber belonging to the United States upon a National Forest with the regulation marking ax or any instrument having a similar design.

The Scribner Decimal C log rule, as used by the Forest Service, is the official rule for scaling National Forest timber.

Unless timber is sold on estimate, it must be scaled, counted, or measured before it is removed from the cutting area or from the place agreed upon for this purpose.

Scale Rule.

All saw timber is scaled by the Scribner Decimal C log rule. This rule drops the units and gives the contents of a log to the nearest 10 board feet. One cipher added to the sum of the numbers read from the scale stick gives the total scale of the log, except in the case of 6 and 8 foot logs, 6 and 7 inches in diameter. These are given as 0.5, which multiplied by 10 gives 5 feet as the actual scale.

Scribner Decimal "C" Log Rule.

FOR LOGS UP TO AND INCLUDING 32 FEET IN LENGTH.

[Contents of logs.]

Diameter in inches.	Length (feet)—													
	6	8	10	12	14	16	18	20	22	24	26	28	30	32
	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>	<i>Bd.</i> <i>ft.</i>
6.....	0.5	0.5	1	1	1	2	2	2	3	3	3	4	4	5
7.....	0.5	1	1	2	2	3	3	3	4	4	4	5	5	6
8.....	1	1	2	2	2	3	3	3	4	4	5	6	6	7
9.....	1	2	3	3	3	4	4	4	5	6	6	7	8	9
10.....	2	3	3	3	4	6	6	7	8	9	9	10	11	12
11.....	2	3	4	4	5	7	8	8	9	10	11	12	13	14
12.....	3	4	5	6	7	8	9	10	12	12	13	14	15	16
13.....	4	5	6	7	8	10	11	12	13	15	16	17	18	19
14.....	4	6	7	9	10	11	13	14	16	17	19	20	21	23
15.....	5	7	9	11	12	14	16	18	20	21	23	25	27	28
16.....	6	8	10	12	14	16	18	20	22	24	26	28	30	32
17.....	7	9	12	14	16	18	21	23	25	28	30	32	35	37
18.....	8	11	13	16	19	21	24	27	29	32	35	37	40	43
19.....	9	12	15	18	21	24	27	30	33	36	39	42	45	48
20.....	11	14	17	21	24	28	31	35	38	42	45	49	52	56
21.....	12	15	19	23	27	30	34	38	42	46	49	53	57	61
22.....	13	17	21	25	29	33	38	42	46	50	54	58	63	67
23.....	14	19	23	28	33	38	42	47	52	57	61	66	71	75
24.....	15	21	25	30	35	40	45	50	55	61	66	71	76	81
25.....	17	23	29	34	40	46	52	57	63	69	75	80	86	92
26.....	19	25	31	37	44	50	56	62	69	75	82	88	94	100
27.....	21	27	34	41	48	55	62	68	75	82	89	96	103	110
28.....	22	29	36	44	51	58	65	73	80	87	95	102	109	116
29.....	23	31	38	46	53	61	68	76	84	91	99	107	114	122
30.....	25	33	41	49	57	66	74	82	90	99	107	115	123	131
31.....	27	36	44	53	62	71	80	89	98	106	115	124	133	142
32.....	28	37	46	55	64	74	83	92	101	110	120	129	138	147
33.....	29	39	49	59	69	78	88	98	108	118	127	137	147	157
34.....	30	40	50	60	70	80	90	100	110	120	130	140	150	160
35.....	33	44	55	66	77	88	98	109	120	131	142	153	164	175
36.....	35	46	58	69	81	92	104	115	127	138	150	161	173	185
37.....	39	51	64	77	90	103	116	129	142	154	167	180	193	206
38.....	40	54	67	80	93	107	120	133	147	160	174	187	200	214
39.....	42	56	70	84	98	112	126	140	154	168	182	196	210	224
40.....	45	60	75	90	105	120	135	150	166	181	196	211	226	241
41.....	48	64	79	95	111	127	143	159	175	191	207	223	238	254
42.....	50	67	84	101	117	134	151	168	185	201	218	235	252	269
43.....	52	70	87	105	122	140	157	174	192	209	227	244	262	279
44.....	56	74	93	111	129	148	166	185	204	222	241	259	278	296
45.....	57	76	95	114	133	152	171	190	209	228	247	266	286	304
46.....	59	79	99	119	139	159	178	198	218	238	258	278	297	317
47.....	62	83	104	124	145	166	186	207	228	248	269	290	310	331
48.....	65	86	108	130	151	173	194	216	238	260	281	302	324	346
49.....	67	90	112	135	157	180	202	225	247	270	292	314	337	359
50.....	70	94	117	140	164	187	211	234	257	281	304	328	351	374
51.....	73	97	122	146	170	195	219	243	268	292	315	341	365	389
52.....	76	101	127	152	177	202	228	253	278	304	329	354	380	405

Overrun.

Purchasers should understand that the Forest Service makes no assurances whatever as to amount of overrun.

Requirements of Purchasers.

In order to permit scaling at reasonable cost, purchasers may be required, where the cost of logging will not be unduly increased, to hold the logs for scaling. Piles or skidways will be constructed so as to permit economical scaling. When necessary and practicable the purchasers will be required to mark the small ends of the logs to avoid question when they are scaled in the pile.

Methods of Designating Scaled Material.

Every log scaled is numbered with crayon. Each merchantable log scaled is stamped "U. S." on at least one end. Logs so defective as to be unmerchantable for any product under the terms of the contract are stamped (U. S.), or special cull stamps may be used. Material other than saw timber, such as mine timber, ties, posts, poles, or piling, after scaling, is stamped on at least one end. Cord wood is stamped at both the top and bottom of each rick.

Log Lengths in Scaling.

On all National Forests except those in Alaska and west of the summit of the Cascade Mountains in Washington and Oregon logs over 16 feet long are scaled as two or more logs, as far as practicable in lengths of not less than 12 feet.

Special Rule for Alaska and West Slope of Cascades.

On the National Forests in Alaska and west of the summit of the Cascade Mountains in Washington and Oregon logs up to and including 32 feet in length are scaled as one log; lengths from 34 to 64 feet, inclusive, will be scaled as two logs as nearly equal in length as possible in even feet. Greater lengths than 64 feet are scaled as three logs, making the divisions as nearly equal as possible in even feet, and increasing the diameters according to the taper of the log.

Classification of Products.

National Forest timber is sold under specifications which are in accordance with those in commercial use, such as logs by the M feet board measure, ties by the piece, poles by length and top diameter, shingle bolts by the cord, and mining timbers by the linear foot.

Check Scaling.

The Forest Service provides for check scaling by employing men of wide experience in such work. The fundamental purpose is to determine the accuracy of the regular scale, and so

keep it efficient. So far as practicable, a check scale is made at least once a year on every sale of 1,000,000 feet or more.

Settlement of Complaints.

Complaints as to the scale are settled by a check scale. It is the policy of the Forest Service to ascertain the justice of complaints by a rescale, not by lumber tallies or mill checks on the log scale.

TIMBER-SALE PROCEDURE.

Authority to Make Sale.

REG. S-19. The Forester is authorized to make timber sales for any amount on any National Forest, subject to the maximum cut fixed by the Secretary, and to delegate this authority for amounts not exceeding 30,000,000 feet board measure to the district foresters. The district forester may delegate authority to subordinate officers to make sales for amounts not exceeding 3,000,000 feet board measure. All supervisors may without special authorization make sales in amounts not exceeding \$100 and may delegate this authority to subordinate officers.

CLASSIFICATION OF TIMBER SALES.

By Amount.

Timber sales are divided into the following classes:

Class A: Ranger's sales of timber not exceeding \$100 in value.

Class B: Supervisor's sales of timber not exceeding \$100 in value.

Class C: Supervisor's sales of such amounts of timber exceeding \$100 in value as the supervisor is authorized to advertise and sell, in no case over 3,000,000 feet board measure.

Class D: District forester's sales not exceeding amount which the district forester is authorized to sell, in no case over 30,000,000 feet board measure.

Class E: Forester's sales exceeding the amounts which the district foresters are authorized to sell.

By Advertisement.

Unadvertised sales: Sales of timber not exceeding \$100 in value.

Advertised sales: Sales exceeding \$100 in value.

How to Make Application.

Applications to purchase timber are made in the manner explained on page 35. Contract requirements and other details in timber-sale procedure will be explained by the supervisor of the National Forest concerned, to whom applications should be made. A list of Forests by States, together with the head-

quarters of the supervisor, appears on page 157. An application to purchase does not give the person making it any preference in the purchase or award of the timber.

Prospective purchasers should always apply for timber as far in advance as possible in order to allow sufficient time for the examination and appraisal. The approximate time required to consummate sales of various sizes is indicated in the following table:

Class.	By whom approved.	Maximum amount sold.	Time required to consummate sale.
A.....	Ranger.....	\$100 (unadvertised).....	1 to 5 days.
B.....	Supervisor.....	\$100 (unadvertised).....	1 to 15 days.
C.....do.....	3,000,000 feet b. m. (advertised).	35 to 90 days.
D and E....	District forester or Forester.	Over 3,000,000 feet b. m. (advertised).	45 to 200 days.

Minimum Charges.

A minimum charge in all sales of timber for commercial uses, of not less than a total of \$3 nor more than \$10, is established for each Forest by the district forester. No sale for commercial uses will be made at less than the established minimum for the Forest. The minimum charge is not applied, however, in sales of timber for the personal use of the purchaser.

Procedure in Making Payments.

Forest users when asked to make payments will be furnished with a form letter of transmittal properly filled out to accompany the deposit, which is sent direct to the designated United States depository.

Repeated Sales.

Repeated sales of unadvertised timber to the same purchasers, in order to avoid the period of advertisement, are not permitted.

When Cutting May Begin.

Cutting can not begin in any sale until the contract has been executed or an emergency sale agreement executed and approved, the timber designated, and necessary deposits made.

Sales by Estimate.

Sales of \$100 and less may be made by estimate—

- (1) When acceptable to the purchaser.
- (2) When it will effect a material saving in the time of ranger or be of decided convenience to purchasers, as in sales at long distances from ranger's headquarters.

- (3) When previously approved by the supervisor as to particular classes of sales or localities or in individual cases.

Bids and Awards.

In advertised sales the original applicant and other prospective bidders will be notified as soon as publication has begun, instructed to forward bids within the period specified in the notice of sale, and furnished with bid envelopes.

Evidence of financial standing is necessary, as is specified in Regulation S-10, page 41. The final contract will not be furnished until satisfactory evidence of financial standing has been submitted.

In other cases the supervisor will at once notify the successful bidder that the sale has been awarded to him, and that the final agreement, and bond, if required, will be sent for execution within a specified time.

PRIVATE SALES OF ADVERTISED TIMBER.

REG. S-20. Forest officers may within their authorization sell any timber previously advertised but not sold, without further advertisement, at not less than the advertised rates.

Procedure.

The procedure in private sales, except as to advertisement, is the same as for other sales of similar amounts. Timber previously advertised but not sold may be disposed of at not less than the minimum rate advertised.

Provision for Readvertisement.

Ordinarily if a period exceeding one or at the most two years has elapsed since advertisement, the timber will be re-advertised, particularly in the case of large tracts. In all cases timber will be readvertised if there is any possibility of competition.

SALE OF MATERIAL SEIZED.

REG. S-21. Seized material may be sold to the highest bidder under specific authority from the district forester. If advertisement is impractical, sales of material exceeding \$100 in value will be made on informal bids.

SALES AT COST.

REG. S-22. Mature, dead, and down timber which can be cut without injury to the Forest will be sold upon application without advertisement in any desired amount to homestead settlers and farmers at the actual cost of making and administering such sales. Material may be cut under this regula-

tion for domestic use on any homestead or farm within the territorial limits wherein it is practicable for the forest officers to determine that such material is so used. The disposal of any part of such material for a money or other consideration, or in exchange for labor, services, or commodities furnished the purchaser in connection with its cutting, removal, or manufacture, or for any purpose except domestic use on the homestead or farm of the purchaser, is prohibited. If any of the foregoing requirements are violated, the sale will be terminated and the purchaser required to pay for all material cut at twice its appraised market value.

The Secretary of Agriculture will determine from time to time the cost per thousand feet board measure or other unit of making and administering such sales in each National Forest region where similar conditions exist, which amount will be uniformly taken on all Forests in the region as the stumpage price in sales under this regulation.

Limitations in Sales and Utilization.

Sales under this regulation are restricted to the material which may be cut without injury to the forest, in accordance with standard practice. As close utilization of inferior species and grades of material as practicable for the uses of the purchaser is required.

In general, persons entitled to free use (see page 58) will be required to purchase under Regulation S-22 all green timber except inferior species, material from thinnings, and other material cut for the protection or improvement of the Forest.

When Made.

No distinction is made in approving applications for sales at cost between farmers and others owning but not residing on farms, or because of the wealth, residence, or occupation of applicants. The prime consideration is the use of the timber for domestic purposes on homesteads or farms. Such uses include the construction or repair of farm buildings of any character, fences, and other improvements, and fuel.

Sales may be made to two or more farmers or settlers under one contract, all being equally responsible for compliance with its terms, or to cooperative associations for the use of their members.

When Refused.

The territorial limits within which applications for sales at cost are approved are those wherein the local officers of the Forest can be reasonably sure of compliance with the regulations as to use of the material.

Only material to be used exclusively for domestic purposes on farms and homesteads will be sold under this regulation.

Sales at cost will not be made to farmers for use on town property, or for any purpose on their farms other than domestic use or the development and improvement of the land for agriculture.

Sales at cost are denied to corporations.

Sales under this regulation will not be made to agents employed by the person or persons who will use the timber, or to manufacturers or others who propose to sell the material to settlers or farmers; but timber may be cut by agents of the purchaser for his exclusive use.

SALES OF NAVAL STORES.

REG. S-23. So far as applicable, the regulations governing timber sales will be followed in sales of naval stores.

The Forester is authorized to make such sales for any amount on any National Forest within the maximum limit fixed by the Secretary and to delegate this authority for amounts not exceeding 200,000 cups to district foresters. District foresters may delegate this authority to supervisors for amounts not exceeding 40,000 cups.

Emergency sales will not be allowed.

Timber-Sale Instructions Govern When Applicable.

Except as hereafter provided, the procedure in sales of naval stores is the same as that prescribed for timber sales.

Size of Unadvertised Sales.

Unadvertised sales of naval stores in amounts worth \$100 or less will be made only when necessary to utilize small or isolated bodies of timber.

Bonds.

Bonds are required in all agreements for amounts exceeding \$100. The standard requirement for the amount of the bond will be 25 per cent of the value of the material covered by the sale. This may be increased in exceptional cases.

Unit of Measure.

The unit of measure in naval stores is 1,000 cups. Payments will be determined by forest officers from field counts of the cups placed.

Deposits.

Deposits other than with bids are required in advance of the removal of the product, either for the full purchase price in one payment or in two or more approximately equal installments. In all cases the final deposit must precede the beginning of operations in the last contract season.

Emergency Sales.

Emergency sales are not allowed.

Utilization.

The object in all operations is to secure the maximum production of naval stores consistent with conservative silvical management and the perpetuation of the forest. Trees will be designated for cupping in accordance with the silvicultural system adopted for the Forest and with special reference to the possibility of using cupped trees for saw timber or other purposes.

Agreements will require the use of a modern cupping system with horizontal apron or gutter, and the placing of cups and aprons or gutters as near the ground as possible in such a manner as to prevent waste. All agreements will specify the minimum diameters at breastheight of trees which are to be cupped, the period within which cups must be placed, and the number of cups to be placed upon trees of specified sizes. This will be based upon the greatest production in the long run practicable at reasonable operating costs. The agreement will also specify average and maximum depths of streaks, not exceeding one-half and three-fourths inch, respectively, exclusive of bark; the maximum width of streak, one-half inch or less; the total height of faces during a contract season; the kind of hack to be used in chipping; and the proper placing and spacing of faces on the tree. This will be based upon maximum production in the long run. Frequency of streaking and the maximum number of streaks which may be made during the season is also definitely prescribed in the agreement.

Protection from Fire.

Whenever necessary for safety, agreements will require the annual removal of all débris to a safe distance from each tree cupped and the construction of firebreaks around the contract area.

SALES OF MISCELLANEOUS FOREST PRODUCTS.

REG. S-24. The sale of forest products not specifically covered by regulation will be conducted by forest supervisors under instructions from the district forester or Forester.

If advertisement is impractical, sales of such material in amounts exceeding \$100 will be made on informal bids.

The sale of wild seedlings and Christmas trees and of such products as cascara bark, where the value does not exceed \$100, are conducted as local conditions dictate.

APPEALS.

REG. S-25. The disapproval of an application for the purchase of timber or for the modification of an existing contract shall be final unless written notice of appeal to the next superior officer is filed with the officer disapproving such ap-

plication within 30 days from the receipt of his decision, with the exception that all appeals arising from the action of rangers or from the enforcement of a timber-sale contract shall be made in the first instance to the forest supervisor. His decision thereon shall be final unless written notice of appeal to the district forester is filed with the supervisor within 30 days from the receipt of his decision. Appeals from the decisions of the district forester to the Forester or from the decisions of the Forester to the Secretary may be made by filing written notice with the officer from whose decision appeal is taken within 30 days from the receipt of such decision.

From Decisions of Rangers.

Complaints and appeals arising from action taken by a forest ranger or other subordinate officer on a National Forest, relating either to applications for the purchase of timber or the enforcement of existing contracts, should be submitted to the supervisor. Decision will be rendered by the supervisor in writing and the appellant notified.

From Decisions of Supervisors.

Appeals from the action taken by a supervisor must be filed with him within 30 days. The supervisor will transmit the appeal to the district forester with all supporting evidence submitted. Decision will then be rendered by the district forester, and the supervisor and appellant notified.

From Decisions of District Forester and Forester.

Appeals from decisions of a district forester or of the Forester will follow the same procedure and be governed by similar time limits. The district forester will transmit the appeal to the Forester, with all supporting evidence submitted. Similar data will be transmitted by the Forester to the Secretary in case of appeals from decisions of the Forester. Decisions rendered by the Secretary or Forester will be transmitted through the district forester to the supervisor and appellant.

FREE USE.

OBJECTS OF FREE USE.

REG. S-26. Free use will be granted primarily to aid in the protection and silvicultural improvement of the Forests. Hence the material taken will, except in unusual cases, be restricted to dead, insect-infested, and diseased timber and thinnings. Other material may be taken in exceptional cases where its refusal would cause unwarranted hardship.

On Forests where limited supply or other conditions justify such action the free use of green material may be refused.

Material to Be Taken Under Free Use.

The free use of timber from National Forests under regulations prescribed by the Secretary of Agriculture is authorized by the act of June 4, 1897, as amended by the act of February 1, 1905. As outlined in the regulations the primary objects of free use are protection and silvicultural improvement of the Forest. It is restricted largely to dead, insect-infested, or diseased timber, thinnings, and inferior species. Use of such material is granted freely to bona fide settlers, miners, residents, and prospectors for minerals, for fire wood, fencing, building, mining, prospecting, and other domestic purposes. Free use of other material is allowed in exceptional cases where its refusal would cause hardship; otherwise the purchase of commercial green timber at cost (see Reg. S-22, page 53) will be required of settlers and farmers entitled to this privilege.

AUTHORIZED USES.

REG. S-27. Free use may be granted: (1) To bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, building, mining, prospecting, and other domestic purposes; (2) to school and road districts, churches, or noncommercial cooperative organizations of settlers for improvements of mutual or public benefit; (3) for the construction of telephone lines when necessary for the protection of National Forests from fire; (4) to certain branches of the Federal Government.

Free use of material to be employed in any business, as by sawmill operators, proprietors of stores or hotels, companies, and corporations, will be refused. Free use can not be granted to States.

The sale of timber or other forest products obtained under free use is prohibited.

Noncommercial Purposes.

Free use may be allowed in connection with noncommercial uses of National Forest land regardless of whether the permittee is entitled to free timber, if the improvements to be constructed will be of public benefit or of value for protection or administration equal to the value of the timber used. Improvements constructed under these conditions ordinarily become the property of the United States at the termination of the permit or the United States retains title to the timber.

For Private Telephone Lines.

By the act of March 4, 1913, provision is made for free use of timber for the construction of private telephone lines which will aid the protection of National Forests from fire.

By Associations.

Noncommercial associations of settlers whose members are entitled to free use may be granted timber for: (1) Roads, schools, and other structures of mutual or public benefit; and (2) irrigation works or structures of any kind required for the development of claims or ranches. Such associations will be required to purchase timber for irrigation works or other structures any portion of which will be used commercially, as in the sale of water.

Associations will be subject to the same requirements and privileges as individuals in regard to—

(1) The kinds of material obtained under free use as distinct from that for which payment is required under Regulations S-22 or otherwise.

(2) Free use of timber for improvements of value to the Forest for protection and administration.

When Refused.

Free use is not granted to persons living at such a distance from the Forest or in towns of such size that forest officers can not practicably ascertain that the material is used for the purposes named in the act.

Free timber will not be granted for commercial purposes or for use in any business, as by sawmill operators, proprietors of stores or hotels, companies, or corporations. An officer or stockholder of a corporation, however, is not debarred from free use for his own home; and free timber is not refused the proprietor of a small hotel or store if it will be used chiefly by himself and his family. Owners of producing mines which are clearly beyond the prospect stage are required to purchase.

Free use to States is not authorized by law.

Free use will be refused to permittees who repeatedly violate the provisions of their permits and interfere with the efficiency of administration.

Sale or Exchange Prohibited.

The sale of material obtained under free use or the exchange of a portion of it for the cutting or manufacture of the remainder are prohibited.

AMOUNTS GRANTED.

REG. S-28. The aggregate amount of free material granted annually to any user will not exceed \$20 in value, except in

cases of unusual need or of dead or insect-infested timber where the removal of the restriction may be advisable for administrative reasons, or in the case of school and road districts, churches, and noncommercial organizations of settlers, when the supervisor may extend the amount to \$100.

Valuation of Material.

Free-use material is appraised in the same manner and in accordance with the same principles as timber purchased under sale agreements. The valuation of such material is at rates not less than those prevailing for similar grades of stumpage in current sales in the same locality.

PERMITS.

Green Material.

REG. S-29. Permits will be required for green material.

Free-Use Areas.

Supervisors may, with the approval of the district forester, designate as free-use areas portions or all of any National Forest, and settlers, miners, residents, and prospectors for minerals may cut and remove from such areas, free of charge and without permit, under such rules as may be prescribed by forest officers, any dead timber needed for their own use for firewood, fencing, buildings, mining, prospecting, and other domestic purposes. No timber may be taken under this regulation for sale to other persons or for commercial use.

Emergency Use.

Material may be cut outside of a free-use area without permit in cases of emergency or of immediate need. The person taking such material shall promptly notify the forest officer in charge of the district.

Transient Use.

Small quantities of material needed by transients may be taken without permit.

Permits.

Permits are required uniformly for green timber and also for dead material whenever the advantages to be gained in protection or administration more than offset the increased cost of the permit system.

The duration of permits is fixed by the issuing officer, but all permits must terminate on or before June 30 of each year.

Free-Use Areas.

Free-use areas from which dead material may be taken are established where reasonable compliance with the requirements of the Service may be expected and where the character of the users or other administrative reasons make them advisable.

Suspension of Privilege for Violations.

Repeated violation of Service requirements on the part of individuals will result in the suspension of the privilege in their cases. General noncompliance will be a sufficient reason for the immediate closing of an area to free use without permit.

Notice of Free-Use Areas.

The establishment of each free-use area is announced annually or periodically by publication in newspapers in general circulation in the region. Such notices will specify the boundaries of the tracts and classes of persons entitled to the privilege and the restriction upon its removal.

AUTHORITY AND ADMINISTRATION IN FREE USE.**By Whom Granted.**

REG. S-30. Applications for free use of timber in amounts exceeding \$500 will be submitted to the Forester for approval. District foresters may grant permits for material not exceeding \$500 in value. Supervisors may grant permits for material not exceeding \$100. All forest officers whom the supervisor may designate are authorized to grant permits up to \$20 in value. Except in emergencies, permits for timber exceeding \$100 in value will be granted only for public purposes.

Free Use Without Measurement.

REG. S-31. District foresters may authorize supervisors to permit the removal of specific classes of material without scaling or measurement.

Administration.

The administration of free use is conducted mainly by supervisors and rangers, subject to the instructions of the district forester. It is the duty of forest officers to furnish assistance to applicants cheerfully and to act promptly upon all requests. Wherever possible the cooperation of users, particularly permanent residents in the locality, should be secured in accomplishing the practical results sought under free-use administration. As in timber sales all trees cut under free use must be utilized in accordance with local Forest Service practice. The permittee is also required to avoid unnecessary damage to young growth or standing timber.

Scaling.

Material cut under free-use regulations must not be removed from the cutting area until scaled or measured by a forest officer, unless this requirement is specifically waived by the officer in charge.

The removal of special classes of material without measurement may be authorized where it is believed that substantial compliance with the regulations will be secured, and it is possible by this means to reduce costs of administration, meet the needs of users with greater dispatch, or accomplish other definite administrative advantages.

Permit Areas.

The boundaries of such areas will be defined and the timber to be removed marked or designated. After issuing the permit the forest officer directs the permittee to the area, avoiding the necessity of designating timber for each applicant in advance of cutting. Each permittee is responsible for his own cutting and for the clearing up of débris resulting from it.

FREE USE IN ALASKA.

REG. S-32. Settlers, farmers, prospectors, or fishermen in Alaska may take, without permit and free of charge, green or dry timber from the forests and driftwood afloat or on the beaches for personal use, but not for sale. The amount of material so taken shall not exceed 20,000 feet board measure or 25 cords of wood in any one year. Persons obtaining material will, on demand, forward to the supervisor a statement of the quantity taken and the location from which it was removed.

TIMBER SETTLEMENT.

REG. S-33. Timber may be cut, damaged, or destroyed when necessary for the occupancy of a right of way or other authorized use of National Forest land without advertisement.

Except when such material may be taken without charge under the free-use or administrative-use regulations, payment will be required—

(1) For timber used or removed by the permittee for any purpose.

(2) For timber whose logging and sale are practicable, which is cut or destroyed and not utilized in connection with uses of a commercial character and other private uses which are not of benefit to the National Forest equal to the value of the timber.

Payment will not be required:

(1) For timber whose logging and sale are practicable, which is necessarily cut or destroyed and not utilized in connection with uses of a public character or noncommercial uses of equivalent benefit to the National Forest or uses by non-commercial organizations for mutual benefit.

(2) For any timber necessarily cut and not used by any permittee, whose logging and sale are impracticable.

When payment is required it will be at the appraised market value of the timber subject to a minimum rate equivalent to the estimated cost of administration.

Title to any timber not used by permittees and for which no charge has been made will remain in the United States.

Timber Settlement Defined.

Settlement for timber cut, damaged, killed, or destroyed on the National Forests in connection with the occupancy of land under permit is called a "timber settlement."

No Charge Permits.

Except for material used by the permittee for improvements in connection with the occupancy of the ground or otherwise, no charge is made for timber cut in connection with special uses of a public character, like schools and county roads.

Similarly, except for material used by permittees, no charge is made for timber cut in connection with noncommercial uses which are of benefit to the National Forest fully equal to the value of the stumpage, such as roads, bridges, and telephone lines, or in connection with special uses by noncommercial cooperative organizations for mutual or public benefit, such as ditches or reservoirs constructed by associations of settlers.

The right of permittees to free timber for improvements or for removal and use elsewhere will be determined under the instructions on free use (p. 57) and administrative use (p. 64). Where a stumpage charge is necessary the timber is appraised as in sales, subject to a minimum price equivalent to the estimated cost of administration.

For timber not used in improvements or otherwise permits provide—

(1) That the United States reserves the right of sale or other disposition.

(2) That the permittee shall, at the request of the supervisor, bank or deck the timber at designated places. Banking or decking will, however, be required only where opportunity for future sale or other use is probable.

Disposal of Timber Not Used or Paid For.

Timber not used or paid for in connection with occupancy permits will be preserved from deterioration and made available for use by the permittee as far as may be equitable and practicable in view of its present or possible future value. Such timber remains the property of the United States, to be disposed of by it.

Payment on Scale.

In all cases where timber can be scaled, measured, or counted it will be paid for as in a timber sale and under the same procedure.

Payment for Timber on Claims.

Payment for timber cut on a right of way authorized by act of Congress across an unpatented claim, if required by the foregoing instructions, must be made to the United States except where its removal or use is necessary for the development or improvement of the claim. This requirement is not affected by the prior date of location or entry of the claim involved or the good faith of the claimant. If any such claimant subsequently needs timber for development or improvements and is unable to obtain it from his claim, he will be given the material required under free-use permit, up to the amount cut from the claim.

Deposits.

Where a charge is made for timber, deposits are required in advance of cutting or destruction. Letters of transmittal are furnished the permittee as in sales.

Utilization and Slash Disposal.

As far as practicable the same restrictions are applied in respect to utilization and slash disposal as in timber sales.

ADMINISTRATIVE USE OF TIMBER.

REG. S-34. The Forester may dispose of timber whose use or removal is necessary to protect the Forest from injury, or to construct roads, trails, cabins, and other improvements, or to conduct investigations, by sale, free use, or otherwise, as may be most advantageous to the United States.

This authority may be delegated to district foresters for amounts not exceeding 30,000,000 feet board measure and to their subordinate officers for amounts not exceeding 500,000 feet.

Purpose.

Timber may be disposed of under administrative use by sale, free use, or otherwise: (1) To remove a menace from insects, fire, or disease; (2) to construct, maintain, or repair permanent improvements upon National Forests built by forest officers, cooperators with the Service, or special-use permittees; or (3) to conduct investigations in silviculture or forest products.

Timber may be secured without charge under administrative-use permits or cooperative agreements with States or organizations not entitled to free use where its disposal in the construction of improvements such as roads, bridges, and telephones

will be of benefit to the Forest fully equal to the value of the stumpage, and where title to the timber will in effect remain in the United States. Timber may also be secured without charge for similar purposes and under similar conditions to special-use permittees.

Bonds.

Bonds will be required when necessary to insure faithful compliance with the conditions of the permit.

Supervision of Cutting.

Forest officers will designate cutting areas and mark the trees to be removed as in timber sales. Such material will be scaled or measured and stamped, unless this condition is specifically waived by the forest officer in charge.

Disposal of Timber Cut and Not Utilized.

Timber cut in clearing for improvement, but not utilized or paid for, will remain the property of the United States, and will be disposed of as opportunity is afforded. Measures necessary for the prevention of deterioration will be required of the permittee as far as practicable.

FOREST INVESTIGATIONS.

POLICY.

Importance.

Forest investigations of systematic character and conducted with scientific accuracy form an important part of the work of the Forest Service, both as a means of building up the science of forestry in the United States and of assisting and improving the administration of the National Forests.

Scope.

The investigations cover all activities of the Forest Service, especially silviculture, including reforestation, tree and shrub distribution, volume and yield measurements, forest influences, protection from fire, insects, and disease, lumbering methods and costs, stumpage appraisals, dendrology, grazing, and utilization of forest products. Studies of particular problems are not undertaken unless the data to be obtained will be of practical value to the Forest Service or to timber owners and users in general.

TIMBER TRESPASS.

REG. T-3. The following acts are prohibited on lands of the United States within National Forests:

(A) The cutting, killing, destroying, girdling, chipping, chopping, boxing, injuring, or otherwise damaging, or the re-

removal, of any timber or young tree growth, except as authorized by law or regulation of the Secretary of Agriculture.

(B) The damaging or cutting, under any contract of sale or permit, of any living tree before it is marked or otherwise designated for cutting by a forest officer.

(C) The removal from the place designated for scaling, measuring, or counting of any timber cut under contract of sale or permit until scaled, measured, or counted, and stamped by a forest officer.

(D) The stamping, except by a forest officer, of any timber belonging to the United States, either with the regulation marking tools or with any instrument having a similar design: Provided, That timber lawfully cut from public land which is subsequently included within a National Forest may be removed within a reasonable time after the inclusion of such land in a Forest: Provided further, That the term "timber" as used in this regulation shall be deemed and taken to mean trees of a character or sort that may be used in any kind of manufacture or the construction of any article or for fuel.

Timber Depredations on National Forest Lands.

Section 50 of the act of March 4, 1909 (35 Stat., 1088), as amended by section 6 of the act of June 25, 1910 (36 Stat., 857), makes it a criminal offense punishable by a fine of not more than \$500 or imprisonment for not more than one year, or by both fine and imprisonment, to unlawfully cut, or aid in unlawful cutting, or to wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree growing, standing, or being upon any land of the United States which has been reserved or purchased for any public use.

Boxing, etc., Timber for Turpentine, etc.

By section 51 of the penal code (act of Mar. 4, 1909, 35 Stat., 1088), the cutting, chipping, chopping, or boxing of any tree upon National Forest and other Government land, or upon any land covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location made under any law of the United States for the purpose of obtaining from such tree any pitch, turpentine, or other substance, or knowingly encouraging, causing, procuring, or aiding in such cutting, chipping, chopping, or boxing, or buying, trading for, or in any manner acquiring the product so obtained with knowledge that it was unlawfully obtained is a criminal offense punishable by a fine of not more than \$500, or imprisonment for not more than one year, or by both fine and imprisonment.

Timber Cutting on Unperfected Claims.

The cutting of timber upon an unperfected claim beyond the extent necessary for its actual development, or for uses not con-

sistent with the purpose for which the claim was initiated, or the cutting of timber from one mining claim for use upon another where such use does not tend directly to develop the claim from which the timber is cut is considered timber trespass, in accordance with the procedure prescribed under "Settlement of trespass cases."

Innocent and Willful Trespass.

If, at the time the cutting was done, the trespasser, after the exercise of due diligence to ascertain from official sources the ownership of the land or his rights therein, was unaware that he was not lawfully entitled to the timber, the act will be considered an innocent trespass. If cutting occurs beyond the boundaries of patented land through bona fide mistake, or trespass has been committed on account of any other bona fide error of fact or in innocence of the rights of the United States, the trespass will be considered an innocent one. Where these conditions do not exist, the trespass will be considered willful. While the men who do the actual cutting may legally be held for the trespass, ordinarily it is customary, particularly in civil cases, to proceed against the corporation, company, or individual by whose direction and for whose benefit the cutting was done. In civil cases the employer is liable for the willfulness of the employee, if he knew of the trespass and took no means to stop it, or, if after the trespass was committed, he knowingly approved it or adopted it by receiving the fruit of the trespass, or whenever he employed persons to do the cutting knowing them to be careless, reckless, and unreliable.

Damages—In Innocent Cases.

When the trespass is innocent, the measure of damage will be the stumpage value of the timber cut.

Damages—Innocent Purchasers.

Where the purchaser of timber cut in innocent trespass is held for damages the measure will be the stumpage value of the timber cut. If the timber is purchased from a willful trespasser, without knowledge of the trespass, the value will be determined as of the time of such purchase.

Damages—In Willful Cases.

When the trespass is willful, the measure of damage will be the value of the timber in its condition when and where found. If, when a willful trespass is discovered, the trees are felled, the assessed damage will be the stumpage plus the cost of felling; if they are cut into logs, the cost of bucking will be added, and if found at the mill the cost of both bucking and hauling will be added. The current value of the lumber will be the basis for assessing damages if the logs have passed through the mill.

Damages—Willful Purchasers.

Where the purchaser of timber cut in trespass is held for damages, the measure will be the value of the material at the time and place it is found if it was purchased from a willful trespasser with full knowledge that the timber was cut in trespass.

Waste and Damage to Forest.

If, in addition to the cutting and removal of Government timber, the trespasser, by careless felling or logging, has done avoidable damage to young growth or timber left standing, an estimate of the money value of this loss will be made and included in the assessed damages. Merchantable timber wasted in high stumps or long tops, or left in the woods, will be included in the scale.

Seizure Defined.

Seizure, or recaption, is the right of a person to retake his property in a peaceable manner wherever he finds it. Since the United States has the same common-law rights and remedies as an individual it may, through its agents, exercise the same right of seizure or recaption as an individual.

Seizure of Manufactured Products.

Timber cut in trespass may be seized, although manufactured into lumber and in the hands of an innocent purchaser and upon patented land. It is within the right of the United States to seize buildings or other improvements, either on Government or patented land, when such improvements are constructed wholly or in part from timber cut in trespass.

Seizure of Mixed Timber.

Where a trespasser wrongfully mingles Government timber or lumber with his own, either the whole mass may be seized and held until the amount lawfully owned by the claimant is proved by him, or if the amount taken from the Government land is known, an equal amount of the commingled mass may be seized.

Threatened Trespass.

When a forest officer discovers that National Forest timber is threatened with trespass, and no warning will serve to restrain the trespasser, an injunction will be obtained to protect National Forest interests.

Release from Seizure.

Material seized will not be stamped "U. S." until the case is settled and the material released, when the seizure notices will be removed and the material stamped.

PART IV.—GRAZING.

USE OF NATIONAL FORESTS FOR GRAZING STOCK.

The Secretary of Agriculture has authority to permit, regulate, or prohibit grazing in the National Forests. Under his direction the Forest Service will allow the use of the forage crop as fully as the proper care and protection of the Forests and the water supply permit. Every effort will be made to distribute the stock satisfactorily on the range, in order to secure greater harmony among the users of the Forests, to reduce the waste of forage by tramping in unnecessary movement of stock, and to obtain a more permanent, judicious, and profitable use of the range.

The leading objects of the grazing regulations are:

The protection and conservative use of all National Forest land adapted for grazing.

The permanent good of the live-stock industry through proper care and improvement of the grazing lands.

The protection of the settler and home builder against unfair competition in the use of the range.

It is expected that the stock owners will earnestly cooperate in carrying out the regulations.

The privilege of grazing stock upon the Forests is allowable under the law only when it does not interfere with the purposes for which the National Forests are created. It is nontransferable because it is based upon the possession of certain qualifications peculiar to the permittee.

Permits will be issued to graze a certain number of live stock in each National Forest, or part thereof, so long as no damage is done by such stock. A reduction will be made from the number of stock grazed during the previous season, if owing to the number grazed or the method of handling the stock, damage is being done either to the Forest or the range, and in extreme cases all stock will be excluded.

GRAZING TRESPASS.

REG. T-4. The following acts are prohibited:

(A) The grazing upon or driving across any National Forest of any live stock without permit, except such stock as are specifically exempted from permit by the regulations of the Secretary of Agriculture, or the grazing upon or driving across any National Forest of any live stock in violation of the terms of a permit.

(B) The grazing of stock upon National Forest land within an area closed to the grazing of that class of stock.

(C) The grazing of stock upon an area withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the stock, after the receipt of notice from an authorized forest officer of such withdrawal and of the amendment of the grazing permit.

What Constitutes Grazing Trespass.

Under Regulation T-4 the following acts constitute trespass:

(A) Allowing stock not exempt from permit to drift and graze on a National Forest without permit.

(B) Grazing or driving stock not exempt from permit on National Forest land without permit.

(C) Violation of any of the terms of a grazing or crossing permit.

(D) Refusal to remove stock upon instructions from an authorized forest officer when an injury is being done the National Forest by reason of improper handling of the stock.

Removal of Stock.

Upon discovery of grazing trespass the owner of trespassing stock will be instructed to remove it at once, or, if the situation is urgent, the forest officer may remove the stock in any way that does not injure it physically.

A distinction is made between permitted stock and unpermitted stock.

Permitted stock may be removed from any portion of the Forest not allotted to it, but the permit can not be revoked or the stock removed from the area allotted to it without authority from the district forester.

Forest officers may drive unpermitted stock from any portion of the Forest upon discovery of its presence, or they may allow the owner or herder a reasonable time to remove it; but if he refuses to do so, the person in charge of the stock may be arrested and the stock removed from the Forest by the forest officers. (See "Criminal cases.")

AUTHORIZATIONS.

REG. G-1. The Secretary of Agriculture will prescribe each year the number of stock to be allowed in each National Forest, and will authorize the approval of applications for permits during periods of one or more years, but revocable at any time within his discretion. The yearlong grazing fee to be charged for each class of stock will be determined by the Forester in accordance with Regulation G-9. Seasons less than yearlong will be established by the district forester, who

will determine the fees to be charged for each short season in accordance with the established schedule and the provisions of Regulation G-9. When notified of the establishment of grazing allowances and yearlong rates for any National Forest, the district forester will establish and fix the rates for all grazing periods less than yearlong and will transmit instructions to the supervisor, who will issue grazing permits in accordance therewith.

Annual Grazing Authorization.

The grazing of any class of stock upon any part of a National Forest is allowed under authority of the act of June 4, 1897, by the Secretary of Agriculture, whose regulations govern the use of public lands within the National Forests and are supreme, even though the State law is in conflict with them. When not in conflict with the Federal law, the State law is effective.

Authorization of Five-Year Permits.

On Forests where all controversies have been settled and conditions are such that under ordinary circumstances no material changes are likely to be made in ranges, grazing areas, or the number of stock allowed, the Secretary, upon petition by 25 per cent or more of the permittees using the National Forest or upon the recommendations of a recognized advisory board representing that percentage of permittees, approved by the forest supervisor and the district forester, will authorize the acceptance of applications for periods of not more than five years. The permit will be issued annually, and the approval of the application for any part of the established term will only guarantee a renewal of permit from year to year during the period, in the event that grazing is authorized by the Secretary of Agriculture and there is no revocation of the permit by the district forester.

Points Considered in Fixing Grazing Periods.

Grazing periods will be established for each National Forest to meet the general needs of the people and to secure an economical use of the forage. An endeavor is made to make them meet local conditions and to allow grazing when the particular range in question can be used to the best advantage without injury to the Forest.

Special Seasons.

Special seasons can be allowed only in cases where the circumstances render such action absolutely necessary.

Monthly Permits.

Monthly permits will be authorized only for winter grazing where special conditions warrant it.

Use of Winter Ranges.

Ranges will not be allotted for use during the summer to the prejudice of settlers needing them for winter use.

DISTRICTS AND DIVISIONS.

REG. G-2. The kind and number of stock to be grazed in each district open to grazing on the Forests will be determined by the district forester. Under his general instructions, National Forests in which grazing is allowed will be divided into districts by the supervisor, who will provide for the distribution of stock among the districts, and make such range divisions among applicants for grazing permits as appear most equitable and for the best interests of the National Forest and its users. When required for the protection of camping places, lakes and streams, roads and trails, etc., or of areas which are to be reforested, the supervisor may exclude stock from specified areas for such period of time as is necessary. Stock will be excluded from areas where they will destroy young growth or will prevent reproduction.

Best Use of Each Class of Range.

The ranges within the National Forests will be used by the kind of stock for which they are best adapted, except when this would not be consistent with the welfare of the local residents or the proper protection of the Forests. When an application is received for a kind of stock not previously allowed to graze upon a range, it will be determined, first, whether the change can be made without injury to the Forest or the flow of streams; second, to which class of stock the range is best adapted; and, third, whether the change will be detrimental to the interests of the people residing in the vicinity of the range. The change will be made only when all three conditions are favorable and the area has not been closed to grazing.

Protection for Short-Season Permittees.

If the stock which graze in common upon a single grazing unit are covered by permits for different periods, so that a portion enter the range considerably in advance of the balance, a reasonable proportion of the unit will be designated as the early range, and the stock which enter first will be confined to the part so designated until the beginning of the last or shortest summer period, after which the entire unit may be used in common by all stock allotted to it.

Individual Range Allotments.

Cattle and horses will be allotted individual ranges only when topographic conditions and methods of handling make it practicable, but sheep and goats will be allotted individual ranges in every case, unless unusual circumstances prevent. When

cattle and horses are assigned individual ranges, the permittees will be required to make a reasonable effort to keep their stock within the limits of their allotments.

Establishment of Driveways.

Whenever it is necessary for stock to cross regularly any portion of a National Forest, and grazing upon the area of the kind of stock involved has been authorized by the Forester, the district forester will, if the circumstances warrant, establish a driveway and define the privileges to be granted.

Permits for which no charge is ordinarily made will be required for stock crossing the Forest on a regular driveway.

EXCLUSION OF STOCK.

Forest Protection.

It is within the authority of the supervisor upon the approval of the district forester to close an area to all grazing, to reduce the number of stock allowed upon it, or to prohibit its use by certain classes of stock when the silvicultural needs of the Forest demand it.

Watershed Protection.

The watersheds of streams supplying water for irrigation, municipal, or domestic purposes may be closed to the grazing of any or all kinds of domestic stock when necessary to prevent erosion and floods, diminution or pollution of water supply.

Public Camping Grounds.

The needs of the traveling public receive careful consideration, and in the division of the range adequate provision will be made for the pasturage of draft, saddle, and pack animals used by persons traveling through the National Forests on business or for recreation. Camping grounds required for the accommodation of the public may be closed to the grazing of permitted stock if such action is necessary.

Game Refuges.

Limited areas which are the natural breeding or feeding grounds of game animals or birds may be closed to the grazing of domestic live stock when necessary to protect the game from molestation or extinction. The boundaries of such areas will be plainly marked, and permittees using adjoining ranges are warned against trespassing on the closed area.

COOPERATION.

ADVISORY BOARDS.

REG. G-3. Whenever any live-stock association whose membership includes a majority of the permittees owning any class of live stock using a National Forest or portion thereof

shall select a committee, an agreement on the part of which shall be binding upon the association, such committee, upon application to the district forester, may be recognized as an advisory board for the association, and shall then be entitled to receive notice of proposed action and have an opportunity to be heard by the local forest officer in reference to increase or decrease in the number of stock to be allowed for any year, the division of the range between the different classes of stock or their owners, or the adoption of special rules to meet local conditions.

Upon request from and with the approval of an officially recognized advisory board representing a majority of the permittees to be affected, the district forester may establish special rules to regulate the use and occupancy of the range and to prevent damage to the Forest lands, such rules to be binding upon and observed by all permittees grazing stock within the range involved. Such conditions as may be necessary may be imposed upon the handling of permitted stock, the employment of herders to confine the stock to the allotted ranges, the distribution of salt, the enforcement of State live-stock laws, and the construction of permanent improvements to protect the Forest or facilitate the handling of permitted stock.

When an association represents only a minority of the owners of any kind of live stock, but its members own 75 per cent of that kind of live stock using the range, upon petition of a sufficient number of the other owners to constitute a majority its advisory board may be recognized by the district forester.

Whenever a State live-stock association appoints an advisory board, it may be recognized by the district forester and consulted with in regard to matters which affect the general administration of the National Forests within the entire State.

Whenever a national live-stock association, representing the owners of any kind of stock, appoints an advisory board or committee representing the users of the National Forests in all of the different States, it will be recognized by the Secretary of Agriculture and the Forester and consulted with annually regarding matters which concern the welfare of the stockmen using the National Forest ranges.

Reasons for Cooperation.

The primary purpose of all the regulations is to make the National Forests as useful as possible to the people consistent with their protection and perpetuation. It is clearly impossible to meet the wishes of each individual user, but it may be entirely possible to meet the wishes of the majority if made known through an organization. It is to secure from the people collectively, definite statements of their needs and wishes that the organization of stock associations is encouraged.

Matters Must Be of General Interest.

Matters submitted to advisory boards should be of general rather than individual or personal interest. It is not within the province of an advisory board to determine whether a new applicant shall be admitted or a renewal of permit granted a purchaser. An individual case, however, may contain a principle in which a large number of permittees are interested, in which event it may very properly be taken up.

Complaints of Members.

Complaint against the supervisor's action by members of the association should be taken up through the advisory board unless the permittee desires to take up the matter directly as an individual.

Special Rules.

Special rules designed to bring about economies of operation, larger natural increases, improved grades of live stock, etc., will not be drafted or enforced except upon the specific request of the majority of the permittees who will be affected, and where such rules will tend to prevent damage to the Forest lands or secure a more complete or more economic use of the Forest resources.

No rule will be adopted that is not clearly within the limitations of the State or Federal statutes concerning live stock.

Rules approved by the district forester will be binding upon all permittees, whether members of the association or not, and will be made a stipulation in all permits affected.

The previous paragraph shall not be construed to operate to require or force permittees to join any such organization or association or pay membership dues in them unless they are willing to do so.

Requirements for Recognition.

Live-stock associations desiring to take advantage of this regulation must file an application with the supervisor, giving the names of all members, the name of the Forest in which its members are interested, and the names of the committeemen who are to act for the association. The advisory board must consist of not more than five members, and a majority of the board must constitute a quorum.

The application must be accompanied by a copy of the constitution and by-laws, which must contain a provision that the action of the board will be binding upon the association. These by-laws must provide that all persons who are permitted to graze the kind of stock represented by the association will be eligible to membership. The application of a minority association must also be accompanied by a petition signed by sufficient permittees to constitute a majority.

Qualifications for Membership of an Advisory Board.

Members of local, State, or national advisory boards must be grazing permittees on some Forest. In the case of local boards, they need not be users of the particular Forest or district in which the association is formed, if in the judgment of the majority members of the association their prominence in the stock-raising industry makes it desirable to secure for the board and association the benefit of their advice and counsel.

RANGE IMPROVEMENTS.

REG. G-4. Live-stock associations which have received official recognition from the Forest Service may be granted permits to construct, upon the ranges occupied by their members, corrals, drift and division fences, roads, trails, sources of water supply, and other forms of permanent improvement designed to protect the Forest lands or to facilitate the handling of permitted stock. In cases where the total cost of construction is met by the association, no part being contributed by the Government, the district forester may, in his discretion, stipulate and agree in the permit that during a period of 10 years following the construction of an improvement all permittees who are allowed to place stock upon the range controlled or benefited by the improvement will be required to pay into the treasury of the association an amount equal to their pro rata share of the cost of constructing the improvement, provided that the improvement has been and is being maintained in serviceable condition by the association. The initial pro rata charge will be determined by dividing the amount expended by the full number of stock which may be grazed upon the range controlled or directly benefited by the improvement, but a reduction of 10 per cent of the original amount, to cover benefit and depreciation, will be made during each of the nine succeeding years, and after the tenth year the improvement will become the property of the Government. Stock which is exempted from permit by the regulations will not be subject to assessment under this rule.

Must Be Necessary, Substantial, Economical.

Before approving a special-use permit which provides for the payment of a pro rata share of the cost of construction by each permittee, the district forester should assure himself that the proposed improvement is actually necessary for the proper management of the stock, will be generally beneficial to the majority of the permittees, and will be substantially and economically constructed.

Details of Construction.

Applications to construct range improvements under the provisions of this regulation should specify in detail the materials to be used, the methods of construction to be adopted, the spacing of posts, stays, and wires, the location and kind of gates, or other information needed to determine whether the improvement will conform to Forest Service standards and will be acceptable to all of the permittees.

Determination of Initial Pro Rata Charge.

Upon the completion of the improvement the association will submit an itemized statement of the costs of construction, which will be checked and verified by the supervisor, who will withhold his approval from any expenditure which appears to be extravagant or unnecessary.

The number of stock, exclusive of those exempt from permit, which may be grazed upon the area described in the special-use agreement will be determined by the supervisor.

The approved total cost of construction will be divided by the total number of permitted stock to be grazed upon the range, which will give the proportionate cost per head of stock. This will be the initial pro rata charge, which must be paid by all permittees then using the range. A reduction of one-tenth of the initial charge will be made during each of the nine succeeding years, and after the tenth year the improvement will become the property of the Government.

Pro Rata Charge Upon Additional Stock Under Permit.

Permittees who are allowed to increase the number of stock under permit will be required to pay the prevailing pro rata charge upon all additional stock placed upon the range unless the stock are purchased from a permittee who has paid the pro rata charge and has signed an agreement waiving all claims to preference in the use of the range.

Pro Rata Charge Paid by New Owners.

When Class A owners are provided for by the reduction of permits of old users on areas which are fully occupied, the amount received for the pro rata charge of the new users may be used by the association, either for maintenance of the improvements or for a proportionate refund to the permittees who have been reduced.

To Whom Pro Rata Charge Should Be Paid.

Forest officers must not receive payments to cover the cost of permanent improvements, maintain the permanent improvement accounts of an association, or assume official responsibility for the costs of constructing or maintaining an improvement. These are the functions of the association to which the special-use agreement has been issued.

Range Improvement Under Special-use Permits.

Drift fences, corrals, and stock tanks may be constructed, and pastures inclosed, on National Forest ranges under special-use permits, the details in regard to which are given on pages 134 and 135.

PERMIT NECESSARY TO GRAZE STOCK.

REG. G-5. All persons must secure permits before grazing any stock in a National Forest, except for the few head in actual use by prospectors, campers, and travelers, or saddle, pack, and work animals actually used in connection with permitted operations on the National Forests. Milch or work animals not exceeding a total of 10 head owned and in use by bona fide settlers residing in or near a National Forest require no permit.

Stock Exempt from Permit.

No stock may be grazed without a permit, except milch or work animals which are in actual use. A settler owning only 10 head or less of stock which are neither milch nor work animals will be required to apply for permit and pay the grazing fees, while a settler owning any number of stock will be allowed to graze 10 head of milch or work animals without permit and free of charge.

Special Concessions to Indians.

Special concessions may be made by the Secretary of Agriculture to Indians who are enrolled upon the records of the Office of Indian Affairs and who are dependent upon the National Forest ranges for the pasturage of their stock. Such concessions will not apply to intermarried white persons, except those who have been formally adopted by the tribe and enrolled upon the records of the Indian Office.

ON-AND-OFF PERMITS.

REG. G-6. Persons owning stock which regularly graze on ranges only partially included within a National Forest, or upon range which includes private land of unknown ownership, may be granted permits for such portions of their stock as the circumstances appear to justify, but may be required so to herd or handle their stock as to prevent trespassing by that portion for which a permit is not granted.

This regulation is designed solely to provide for cases where only a part of a natural range unit is National Forest land, and where the economical use of the entire unit can be secured only by the utilization of the Forest land in connection with the

other land. The regulation contemplates a movement of the stock, governed by natural conditions, between the Forest range and the adjoining outside range, or between Forest land and intermingled private land, and the payment of grazing fees upon that portion of the stock which it is estimated will be grazed upon the Forest. Only under such conditions will an on-and-off permit be granted.

Continuous Occupancy During Short Periods.

Where occupancy of Forest lands is continuous and not intermittent, the district forester, if he considers such action advisable, will establish short grazing periods, payment to be required for the full number of stock grazed upon Forest land.

On-and-Off Private Lands.

Sometimes the ownership of private land within a National Forest is unknown or the owner does not object to its use without compensation or lease. Frequently a permittee owns or leases private lands comprising more than 50 per cent of his range allotment. In such cases permits may be issued for the adjoining range under the provisions of Regulation G-6, and the grazing fees paid only on the stock which will be grazed upon National Forest land, but the permittees must agree to remove all stock in excess of the number covered by the grazing permit, if deprived of the use of the private lands by the owners or lessees thereof.

PRIVATE GRAZING LANDS WITHIN NATIONAL FORESTS.

REG. G-7. Persons who own, or who have leased from the owners, unfenced lands within any National Forest, which are so situated and of such character that they may be used by other permitted stock to an extent rendering the exchange advantageous to the Government, may secure permits allowing them to graze upon National Forest land, free of charge, the number of stock which the private lands will support, by waiving the right to the exclusive use of the private land and allowing it to remain open to other stock grazed on National Forest land under permit.

The application must be accompanied by a personal certificate of title showing the description and ownership of the land, and, if leased from an owner, a copy of the lease, and must state the number and kind of stock permit is desired for, the range which it is desired to occupy, and the period during which the stock will remain upon the Forest. Permits will be subject to the same restrictions regarding the use of the range as permits issued under other regulations.

The privilege of grazing sheep and goats upon National Forest lands, under Regulation G-7, will be allowed only upon such ranges as are open to this kind of stock.

When Advantageous.

In the issuance of permits under this regulation it is intended that the Government will be compensated for the use of the Forest lands by an equivalent use, through stock under paid permit, of the private lands to which the right of exclusive use has been waived. When the private lands are so situated and of such character that they will not be occupied by stock upon which fees have been paid, by the owner or lessee of the private land or by other permittees, to an extent approximately equal to the occupation of the Forest lands by the stock under free permit, the Government will not be adequately compensated for the use of its lands, and the exchange should not be made. No grazing preferences will accrue through use of the National Forest under this regulation.

Allowances for Private Lands.

The following rules will govern grazing allowances on account of private land within National Forests the exclusive use of which has been waived.

Bona fide settlers who have made homestead entry, but have not yet made final proof, may be allowed free permits for grazing upon National Forest lands the number of animals their land will support.

Persons who have filed upon land within the National Forests under laws not requiring residence may be allowed free permits for grazing upon National Forests the number of stock their lands will support, after they have made final payment for the land.

Owners or lessees of Indian allotments may be allowed permits for grazing upon National Forests the number of animals the land will support, provided that patent has issued or a lease has been executed upon the blanks of the Indian Office and approved by the Commissioner of Indian Affairs.

Persons holding unpatented mining claims within a National Forest have the right to the grass or other forage upon such claim needed for stock used in connection with the development of the claims, but they have no right to dispose of the forage to any other person or to collect rental for the use of the claims for grazing purposes. Such unperfected mining claims, therefore, can not be accepted as the basis for a permit under this regulation.

Bona fide squatters upon unsurveyed lands may be allowed permits for grazing the number of animals their claims will support, provided no claim exceeds 160 acres.

Persons who have applied to purchase or who have leased any lands covered by State selections will be allowed free grazing privileges on account of these lands.

Persons who have applied to purchase or who have leased railroad land within the indemnity limits will be allowed free grazing privileges on account of such land after survey and selection by the railroad company and approval by the Secretary of the Interior.

The use of unsurveyed unselected lands within both the primary and indemnity limits of railroad grants will be allowed in accordance with the grazing regulations under regular paid permits.

CROSSING PERMITS.

REG. G-8. Persons wishing to drive stock across any portion of a National Forest to reach either public or private lands, except when the stock will be driven along a public highway or will not be grazed upon National Forest lands, must make application to the supervisor or other forest officer for a permit to graze the stock en route, and must have a permit from the supervisor or such other forest officer as he may designate, before entering the National Forest. The application must state the number of stock to be driven, the date of starting, and period required for passage. Grazing must be confined to the limits and along the route designated by the forest officers, and will only be allowed for the period necessary for stock to cross the National Forest.

The regular grazing permit carries with it the privilege of driving the permitted stock over the National Forest lands to and from the allotted ranges at the beginning and end of the grazing season and from the range to the most accessible shearing, dipping, and shipping points during the term of the permit. No charge will be made for crossing permits issued under this regulation.

Conditions Under Which Granted.

Crossing permits may be granted to points beyond the National Forest, to private lands within a National Forest, or to reach dipping vats or railroad shipping points.

Crossing permits will not be issued prior to the opening of the grazing season, except upon an established driveway. They will not be issued for stock which is so poor that it will not be able to cross the Forest, nor for stock to be driven to private land within the Forest if the land is unfenced and the number of stock is greater than it will support without trespass upon adjoining Forest lands.

Quarantine Regulations.

It is absolutely essential that persons crossing stock comply with the regulations governing the National Forests and with the quarantine regulations prescribed by the Secretary of Agriculture and the State authorities. The condition of stock as to contagious or infectious diseases will be determined by the proper Federal or State authorities. Compliance being assured, and if the privilege will not expose the National Forest to damage or the regular permittees using it to inconvenience or financial loss, the permit will be issued without delay and with the fewest possible restrictions.

Applications for Crossing Permits.

Applications for crossing permits may be made either in person or by letter and the permits issued to either the owner or person in charge of the stock.

FEEES.

REG. G-9. A reasonable fee will be charged for grazing all kinds of live stock on National Forests, except as otherwise provided in these regulations. The rates will be based upon the yearlong rate for cattle, which will be from 40 cents to \$1.50 per head, depending upon the advantage and the locality of the Forest.

The yearlong rates for horses will be from 25 to 40 per cent more and the yearlong rates for swine from 25 to 40 per cent less than the rate for cattle. The yearlong rate for sheep and goats will be 25 per cent of the yearlong rate for cattle.

The rates for all kinds of stock for periods shorter than yearlong will be based upon a charge of one-ninth of the annual rate per month for periods of less than four months, or periods beginning between July 15 and October 15, or of one-tenth of the annual rate per month for periods of four months or over beginning between October 16 and July 14, provided that the rates on sheep, goats, and swine shall not be divided into fractional amounts of less than one-fourth of 1 cent, and the rates on cattle and horses shall not be divided into fractional amounts of less than 1 cent; and provided that the minimum rate for any short period shall not be less than 20 cents per head on cattle, 25 cents per head on horses, 12 cents per head on swine, or 5 cents per head on sheep or goats exclusive of extra charges for lambing or kidding. An extra charge of 2 cents per head will be made for sheep or goats which are allowed to enter the National Forests for the purpose of lambing or kidding. No charge will be made for animals under 6 months of age at the time of entering

the Forest which are the natural increase of stock upon which fees are paid or for those born during the season for which the permit is allowed.

When Animals Under Six Months are Subject to Charge.

The full grazing fee will be charged on all animals under 6 months of age which are not the natural increase of stock upon which the fees are paid.

No Reduction Because of Partial Use.

No reduction in grazing fees will be made when the stock do not graze upon the National Forest during the entire period allowed, nor will an increased number of stock be allowed to enter the Forest for this reason.

Extension of Permits.

If suitable range is available within the National Forest, grazing permits for short periods may be canceled and extended permits issued for any of the longer periods established for the Forest upon payment of the difference between the rates established for the two periods. The fee representing the difference between the two rates must be paid not only upon stock covered by the original permit which are to be grazed during the extended period but also upon all additional animals which have reached the age of 6 months during the original permit period.

Charges for Sheep.

The rates charged for sheep, as shown in Regulation G-9, are 25 per cent of the rates charged for cattle, for the following reasons:

First. The proportionate number of stock under 6 months of age grazed free on permits is much greater with sheep than with cattle. In the feed lot the amount of feed required for one cow will support eight sheep. On the National Forest range, where only the grown stock is counted, the proportion is reduced to one to five, because the proportion of lambs to the old stock is much greater than the proportion of calves, and also because lambs mature more rapidly than calves and require more feed.

Second. Under the customary methods of handling stock upon the range, sheep are more destructive to the young forest growth than cattle, being herded in bands while cattle are turned loose. Careful investigation has shown that herded animals require from 25 to 50 per cent more range than animals which are turned loose. This justifies the relatively high ratio used as the basis for the rates for grazing sheep and goats fixed by the regulation.

Charges for Horses.

In ordinary range management it is found that horses require about 25 per cent more range space during a given period than is required by cattle. In many localities horses utilize feed that would otherwise remain unused and consequently often graze upon fully stocked cattle or sheep ranges without any injury from overgrazing, but as they are more readily disturbed, travel greater distances and at greater speed than cattle, they do more damage to forage and tree growth through trampling, and as a result require more of the range.

Charges for Swine.

The forage consumed by swine is difficult to compare with that consumed by cattle, as their feed is mast, roots, and bulbs rather than forage grasses and plants, but for purposes of administration two head of swine will be considered equal to one cow. On account of the cost of regulating hog grazing, the very large proportionate natural increase, and the damage from rooting, 60 to 75 per cent of the rate for cattle is equitable.

Charges for Dry Sheep.

A band of dry sheep will not consume as much forage as a band of ewes with lambs, but since they will run and mass to a greater degree the demand on range is about equal. The high summer ranges of the National Forests are required to enable ewes to produce the maximum amount of milk to give the lambs the growth they require to prepare them for market. Therefore as between the two classes the higher and better ranges should be given to the ewes and lambs. The absence of lambs in a band does not justify any reduction below the rates charged for ewes with lambs, and persons grazing dry sheep will not be given a reduction in rates or an increase in number.

Charge for Lambing.

The additional charge of 2 cents per head for the privilege of lambing ewes upon the National Forests is intended to be an extra charge for a special use of the range. It should not be included with the season fee, but should be figured separately upon the basis of the number of ewes or does to be lambed or kidded. The control of suitable lambing grounds is one of the most important factors in successful sheep raising. The intensive method under which sheep must be handled during the lambing season causes more damage to the range than ordinary grazing, and the lambing charge is made for the use of the range for a special purpose which causes more than ordinary damage to the range. It is not on account of the additional feed required by the lambs.

PAYMENTS.

REG. G-10. All grazing fees are payable thirty days in advance of the beginning of the grazing period. When an applicant for a grazing permit is notified by the supervisor that his application has been approved, he will remit the amount due for grazing fees to the district United States depository, and upon receipt of notice by the supervisor that payment has been received a permit will be issued allowing the stock to enter the Forest and remain during the period specified.

Persons who fail to pay the grazing fee thirty days before the beginning of the grazing period must notify the supervisor and give satisfactory reasons, or within the discretion of the supervisor may be denied a grazing permit the following season. Whenever any stock is removed before the expiration of the permit, it can be replaced by other stock to fill out the number covered by permit if the forest officer is notified of such action at once. Fifteen days may be added to the grazing period, in the discretion of the supervisor, without charge.

Fees Payable in Advance.

The approval of an application to graze stock on Forest land does not authorize the grazing of the stock. Persons who place stock upon a National Forest before they have paid the grazing fees due and secured a permit are guilty of grazing trespass, thereby becoming subject to a demand for damages, or, in aggravated cases, to civil or criminal action.

How Payments Are Made.

When payment of a grazing fee is required, the supervisor will furnish the applicant with a letter of transmittal (Form 861-G), which must accompany the remittance to the United States depository.

See page 20 for list of United States depositories.

REFUNDS.

REG. G-11. Grazing fees will not be refunded for nonuse of the permit except when, in the opinion of the district forester, the applicant is prevented from using the range by circumstances over which he has no control, or his range is trespassed upon, or renewal of permit is allowed to a purchaser of the stock.

Excess Payments.

Whenever payment in excess of the amount due is made, the amount overpaid will be refunded.

All claims for refunds must be made in writing to the supervisor and must be accompanied by a statement giving the

reasons for not using the permit. This may be either the written statement of the permittee or a report by a forest officer who has looked up the case.

Conditions Warranting a Refund.

Refunds will not be made to a person who applies for a permit and does not use it except when the nonuse is caused by some circumstance over which he has no control. Unusual climatic conditions, floods, high water in streams, heavy snow, etc., or infectious disease causing quarantine by Federal or State authority, loss of stock caused by poison, disease, railroad wrecks, or in some unusual manner, are all good reasons for refund. In all cases of unusual loss where it is either impracticable or impossible for the applicant to secure other stock a refund may be made; but if the stock can be replaced, this should be required, as in the case where a portion of the stock has been sold and removed from the range.

Loss of Range Through Trespass or Error.

An equitable portion of the grazing fees may be refunded when a permittee is prevented from enjoying the full use of his range by reason of trespassing stock entering upon it or on account of an error by a forest officer.

Sale of Stock.

No refund will be made on account of stock having been sold except in cases where the fees have been paid prior to the opening of the grazing season, the stock have not entered the Forest, the preference in renewal of the permit is waived by the original owner to the Government and the purchaser is allowed a permit. In such a case the fees on the number of stock repermited may be refunded to the original permittee on his request.

The amount which will be refunded will not exceed the amount of the fees due on the permit issued to the purchaser. The difference, if any, between the amount paid on the original permit and the amount due on the new permit will not be refunded. A permittee who sells his stock under conditions which justify a full renewal of the permit to the purchaser and signs a waiver to its renewal to himself (Form 763) is entitled to a refund of the full amount paid. If the conditions justify a renewal for only 80 per cent of the number of stock covered by the original permit, then 80 per cent of the original payment will be refunded.

Failure to Purchase Stock.

Persons who make application to graze stock which they do not own but intend to purchase will not be entitled to a refund because they fail to secure the stock. They may, however, reserve the right to place stock upon the range at any time during the period allowed by the permit.

APPORTIONMENT OF GRAZING PRIVILEGES.**Notice to Applicants.**

REG. G-12. When notice of the grazing allowance, periods, and rates for each year has been received by the supervisor, he will give public notice of a date on or before which all applications for grazing must be presented to him. Permits may be refused to persons who do not file their applications within the required time, unless satisfactory reasons are given.

Notification of Permittees.

All persons who held permits during the previous year will be notified by postal card or circular letter of the date upon which applications for grazing permits must be filed with the supervisor.

Final Date for Receipt of Applications.

Applications must be received, range allotments made, and permits issued before the beginning of the grazing season. This necessitates fixing a date sufficiently far in advance to enable the supervisor to complete the work of issuing the permits. The date having been widely published, it will be assumed that the applications on file on that day represent all the users of the Forest range entitled to consideration, and the supervisor will then proceed to allot the grazing privileges.

Supervisors acknowledge the receipts of applications by postal card.

APPLICATIONS FOR PERMITS.

REG. G-13. Applications for grazing permits must be submitted on blank forms which will be furnished by the supervisor and the information necessary to complete the application must be furnished in detail. The number of stock must not be greater than the number the applicant actually owns or intends to purchase or less than the number he intends to graze upon the Forest. Speculation in the use of grazing permits will not be allowed, and permits will be refused or revoked for intentional false statement of the number of stock owned.

When authorized to do so by the district forester, a supervisor may require an applicant to supplement and confirm his grazing application by a detailed statement subscribed and sworn to before a Federal or State officer empowered to administer oaths.

Should be Complete.

It is required that every question contained in Forms 298 and 879 shall be answered by the applicant, either affirmatively

or negatively, because the information serves as the basis for the apportionment of grazing privileges and constitutes the record maintained by the Forest Service.

Certified Statement.

When necessary, an applicant may be required to furnish a certified statement showing the name, residence, and interest of any other person in the stock covered by his application. The district forester may require firms or corporations to furnish a certified statement of the name and residence of all members and stockholders.

Partnerships or Corporations.

If the supervisor has reason to believe that a new applicant, or one seeking the renewal of a permit on account of purchase, already holds an interest in a company grazing stock under permit, he may require this information, or may require it if there is a question of preference between two companies or corporations.

Sworn Statement.

A sworn statement of the essential facts may be required of applicants by a forest supervisor.

False Statements or Suppression of Material Facts.

If at any time between the first allotment of a grazing privilege and the final closure of the case through the acceptance by the forest supervisor of a waiver of grazing privileges it is discovered that the original allotment of the privilege or its subsequent renewal was secured by willful misrepresentation or the suppression of material facts, the permit shall be revoked and the grazing privilege declared forfeited upon the termination of the current grazing period, even though the permitted stock have in the meantime been transferred to a purchaser.

Error on Part of Forest Officer.

The Forest Service will not revoke or reduce a permit because of a mistake made by a Forest officer, if the permittee has furnished the required information and has not contributed to the original error.

Statement of Ownership.

An applicant is classified according to the total number of stock he owns; therefore it is necessary that he shall state in his application the total number of stock owned by him.

Applications for Long-Term Permits.

When authorized by the Secretary of Agriculture, applications may be approved for permits during a term of not more than five years. A term of five years having been established, applica-

tions received subsequent to the initial year will be approved for the unexpired portion of the term—four, three, or two years, as the case may be—so that all term applications will expire simultaneously. The permits will be issued and the grazing fees paid annually on the number of stock for which the application is approved.

Applications for term permits will be canceled for failure to pay the grazing fees for any one year or for failure to use the range for more than one year, unless unusual circumstances exist.

Method of Approving Applications.

The supervisor will immediately notify the applicant of the approval of his application by a letter of transmittal showing the number of stock for which the application has been approved, the period, and the fees to be paid.

Method of Disapproving Applications.

When a grazing application is disapproved, the supervisor will notify the applicant by letter, giving the reasons for his action.

QUALIFICATIONS OF APPLICANTS.

REG. G-14. Grazing permits will be issued only to persons entitled to share in the use of the range within National Forests by virtue of prior use and occupancy of National Forest lands for grazing purposes; or by local residence, ownership of improved ranch property within or near the Forest, and dependence upon the range; or by the acquisition of stock grazed upon National Forest lands under permit and of improved ranch property used in connection with the stock, under circumstances which warrant an entire or partial renewal of the permit issued to the former owner, except when there is a surplus range, in which case temporary permits may be issued to owners of transient stock, or to regular permittees for an increased number of stock. The use of surplus range under temporary permit for three years will entitle an owner of ranch property located within or adjacent to the Forest and commensurate with the stock, to subsequent permanent renewal within the maximum limits upon the basis of regular use and occupancy.

Nonuse of a range during one year, except as authorized by the Forester, will be sufficient grounds for the denial of grazing privileges.

For all purposes of permanent allotment each member or stockholder of a firm or corporation will be considered as holding a permit to graze the full number of stock covered by any and all grazing permits issued to such firm or corporation. The individual permit of a person who acquires an interest in

the permit of any firm or corporation will be subject to reduction in its renewal when the combined number of stock covered by all permits in which the person interested exceeds the maximum limit.

Ranch Property Must be Commensurate.

Ranch property will ordinarily be construed to mean lands producing cultivated crops which are used for feeding live stock, but in localities where the production of feed is not a requisite to the stock business, the ownership of spring and fall range or lambing grounds by a bona fide local resident dependent upon the use of the range, will be given nearly the same if not equal weight with the ownership of cultivated lands. The same is true of the ownership of water rights which control adjoining National Forest range. Property of this sort must be commensurate with the number of stock and actually dependent for its value upon National Forest range.

Ranch Property Must be Owned.

A person can not qualify as a permittee through the leasing of land or ranch property. Only actual owners of ranch property used in connection with the permitted stock will be recognized as qualified to share in the use of the Forest ranges, except on the basis of prior use.

Residence.

Residence is simply an index in determining the degree of dependence. A person residing at a distance from a National Forest must have other ranges open to him and can not be considered so dependent upon Forest range as one residing near by.

Status Determined by Holdings.

An applicant's status is determined by the total number of all classes of stock owned by him. He can not be a class A cattle owner and a class B sheep owner. If he owns either class of stock in excess of the protective limit for that class he is a class B owner, or if he owns a per cent of the cattle protective limit and also a per cent of the sheep protective limit, which combined exceed 100 per cent, he is in class B. For example, the protective limit being 100 head for cattle and 1,200 head for sheep, if he owned 50 head of cattle and 500 head of sheep (92 per cent) he would be in class A, but if he owned 75 head of cattle and 750 head of sheep (137 per cent), he would be in class B. An applicant owning sheep and cattle may, however, be in both class B and class C.

New Settlers, Classification of.

New settlers upon unimproved Government or patented lands will not be regarded as having gained a permanent preference

until they have demonstrated the good faith of their settlement by three years of residence, improvement, and cultivation, and by compliance with the United States land laws, or satisfaction of contract agreements. They may, however, be granted the same preference in the use of the range that is granted to bona fide class A applicants, provided that the grazing privileges granted will be temporary in character during the three-year period, and will not be in excess of the settler's actual needs or so large that they will appear to be the principal object in filing upon or purchasing the land.

Cooperative Association.

A cooperative association is an organization formed for purposes of economical management of stock upon the range, wherein the stock of the different owners are run together under joint management, although each member retains absolute personal title and right of possession to the stock grazed in his name, enjoys actual personal use of the range to the full extent of his permit, and acknowledges personal responsibility for the proper management of his stock within the Forest. Each member of such a cooperative association must make individual application for the number of stock for which he desires permit. The approval of the application will be based upon the individual qualifications of the applicant. In no case will the total number of stock grazed under permit by all members of a cooperative association be allowed to exceed the established maximum limit.

Use of Common Brand or Mark.

The use of a common mark or brand and the distribution of profits, losses, and running expenses on a pro rata basis will not be considered objectionable if conclusive proof is submitted to show that no part of the benefits derived from grazing each specific number of stock upon the National Forest range is to be shared by others than the permittee.

Firm, Partnership, or Copartnership.

A firm or copartnership must be in either class B or class C, for it can not be in class A. It can establish a grazing preference in three ways. By use and occupancy of the lands included within the Forest prior to its creation; by the purchase of the stock or ranches, or both, of a permittee under conditions justifying a renewal of the permit; or, on Forests not fully stocked, by ownership of improved ranch property and three years' successive use of range under temporary permits.

Corporation.

A corporation can not be given the same consideration as an individual owner; it must be in class B or C. Between two cor-

porations, one composed of local residents and the other of non-residents, preference will be given the local corporation. In no case will the individuality of the members of a corporation be considered in competition with independent individual owners.

Partnerships or Corporations as New Applicants.

Grazing permits will not be issued to new firms or corporations when the members or stockholders of either such firms or corporations hold permits to graze numbers of stock which combined exceed the maximum limit established for the Forest. The consolidation of permits will not be allowed when the combined number of stock is more than the maximum limit.

Membership in Firms or Corporations.

In order to prevent monopoly the total number of stock permitted to a firm or corporation is charged to every member thereof. This principle will apply to any new firms or corporations applying for grazing privileges which includes in their membership any members of a firm or corporation or any other persons who already hold grazing permits. (See Reg. G-17, par. 2, p. 102.)

Married Women, When Recognized as Class A New Applicants.

One of the principal purposes in regulating the acquirement of grazing privileges on the National Forests is to make the use of the range contribute to the development and support of the greatest number of home units. For this reason a married woman will only be considered as entitled to grazing privileges when she is in some way debarred from sharing in the grazing privilege enjoyed by her husband, owns and resides upon an improved ranch separate and apart from that of the husband, and is entirely dependent upon her own resources for a livelihood and the maintenance of her home. The technical division of the home, ranch property, or live stock owned by a man and wife will not qualify the latter as a class A new applicant.

Married Women, General Status as Applicants.

If the State laws give a married woman the right of independent ownership of real estate and live stock, or if she is qualified under the State laws to make contracts and engage in business in the same manner that a single woman may do, and she personally possesses the other qualifications requisite to a share in the use of the Forest ranges, she may be recognized as a class B new applicant or as the purchaser of permitted stock, and as such may be granted a permit to graze upon the Forest the live stock of which she is the actual legal owner, provided that the total numbers of stock grazed under permit by both the woman and her husband do not when combined exceed the maximum limit established for the Forest.

Unmarried Women.

An unmarried woman of legal age is entitled to full consideration as a new applicant if she desires to take out a grazing permit.

Minors.

A minor who is the head of a family and its principal means of support, or who is using and occupying range at the time it is included within a National Forest, will have exactly the same status as an applicant of legal age, no preference being gained or lost by the fact of minority. With these exceptions, applicants of legal age will be given preference over similarly qualified applicants who are not of age.

Minors who are under the control of parents or guardians may be recognized as new applicants upon Forests which are not fully stocked where the recognition of the minor will not entail the denial of permit to a qualified applicant of legal age. They may also be recognized as purchasers of permitted stock and granted permits in accordance with the restrictions of Regulation G-18. In neither case will a permit be issued for a number of stock which, when combined with the number grazed under permit by the minor's parent or guardian, will exceed the maximum limit established for the Forest.

Estates.

Pending the division of an estate, a full renewal of the permit held by the deceased should be allowed in the name of the estate and the duly appointed administrator.

Estate Not Property of Heirs.

An estate that has not been divided by court decree will not be considered as belonging to the heirs or devisees, even though the property may have been specifically apportioned by will, or by agreement between the interested parties. Pending division, the grazing privileges enjoyed by the respective heirs will not alter the status of the privilege held by the estate, nor will that privilege alter the status of the heirs, until divided.

Heirs to Owners of Permitted Stock.

As a general rule an heir or devisee should be considered as in the same class with one who has purchased stock grazed under permit. Upon the issue of a court decree dividing the estate the privileges allowed the estate will be granted the beneficiaries under the rule governing the renewal of permits on account of purchase, except that the permit for that portion of the stock allotted by the court decree to the widow or minor heirs will not be subject to the reduction made in the renewal of permits to purchasers. (See p. 103. "Renewal to estates.")

Lessees and Herders.

A person leasing stock or running it on shares or herding it for the permittee is regarded as an employee only, and he can not be allowed any preference in the use of the range by virtue of the fact that he has run the stock under lease or on shares or has handled it for the owner. The status of the owner determines all preferences allowed in the issuance of grazing permits.

State or Federal Employees.

Permittees employed by the State or Federal Government, who wish to discontinue the use of the range without losing their preferences, may do so by filing a statement of their employment and probable duration, the disposition made of their stock, and authorizing the supervisor to dispose of their range privileges. Upon the expiration of their term of service their preference in the allotment of permits may be restored to them subject to any reductions or restrictions made during their absence or effective at the date of their reapplication.

Temporary Use of Range.

The provisions of Regulation G-14 and the instructions issued thereunder apply primarily to National Forests which are, or soon will be, fully occupied by the stock of permittees in classes A and B. In Forests where the supply of forage is in excess of the requirements of permittees in classes A and B, temporary permits may be issued to applicants who do not possess any or all of the qualifications prescribed, or to qualified permittees who are already grazing numbers of stock representing their fair share in the permanent use of the Forest range.

When Temporary Permits Become Permanent.

Temporary permits for the use of surplus range which are renewed for three successive years will become as permanent and subject to renewal under the same conditions as other permits based upon prior use and occupancy of the range; provided the permittee is the owner of improved ranch property commensurate with the total number of permitted stock, and which will be used in connection with his business. This will not apply to any temporary permits issued previous to the date on which these regulations take effect.

The use by a temporary permittee of the range allotment of a regular permittee during his absence will not entitle the temporary permittee to the privilege of renewal. Surplus range is range in excess of that needed to provide for all permittees having established grazing preferences.

PREFERENCES.

REG. G-15. Citizens of the United States will be given preference in the use of the National Forests, but persons who are not citizens may be allowed grazing permits provided they are bona fide residents and owners of improved ranch property either within or adjacent to a National Forest.

Regular occupants of the range who own and reside upon improved ranch property in or near National Forests will be given first consideration, but will be limited to a number which will not exclude regular occupants who reside or whose stock are wintered at a greater distance from the National Forests. With this provision applicants for grazing permits will be given preference in the following order:

Class A: Persons owning and residing upon improved ranch property within or near a National Forest who are dependent upon the National Forest for range and who do not own more than the established protective limit number of stock.

Class B: Regular users of National Forest range who do not own improved ranch property within or near a National Forest, and persons owning such ranch property who own numbers of stock in excess of the established protective limits.

Class C: Persons who are not regular users of National Forest range and who do not own improved ranch property within or near a National Forest. Class C applicants will be granted temporary permits only and upon Forests which are not fully occupied by permittees of classes A and B.

Persons who have not regularly used the range within newly created National Forests during preceding years will not be allowed to place stock upon it for the purpose of establishing a grazing priority, unless they are bona fide settlers living either within or adjacent to the National Forest, who are entitled to share in the use of the range as class A applicants or there is unused range.

Unless there is surplus range available permittees of classes B and C will not be allowed to increase the number of stock grazed under permit except by the purchase of other permitted stock under circumstances which warrant a renewal of the permit held by the original owner.

No Legal Rights.

No one can acquire a right to the use of National Forest range, but he may acquire a preference in the allotment of grazing privileges. This preference does not entitle him to continued use of a certain part of a forest, but only to a preference over other applicants less entitled to consideration in the use of the ranges open to the class of stock which he wishes to

graze. From their very nature these preferences possess relative degrees of superiority and consequently have a number of gradations.

Aliens.

Aliens who have not become naturalized citizens in conformity with the laws of the United States and of the State in which they reside may be allowed to share in the use of the Forest lands provided they meet all requirements of ownership of ranch property and stock, residence, and dependence upon the range which are imposed upon citizens of the United States, or have established a preference through prior use and occupancy, but no properly qualified citizen of the United States will be denied a permit or subjected to a reduction in permit number to provide range for an applicant who is not a citizen of the United States.

New Forests or Additions.

During the first season after the creation of a new Forest or addition, grazing privileges will be allotted on the basis of prior use and occupancy. Bona fide class A settlers may be recognized as new owners, but with this exception, permits will be restricted to those stock growers who submit proof of previous use and occupancy during two or more years. No permit will be granted for a number of stock larger than the average number grazed by the applicant during the two years preceding the establishment of the Forest, unless the applicant, as a class A settler, is reasonably entitled to increase toward the protective limit. After the first season the apportionment of grazing privileges will be strictly in accordance with the following rules of preference:

How Preferences are Gained.

Preference may be secured in the following ways:

(a) By prior use and occupancy of lands included within a National Forest.

(b) By local residence, ownership of improved ranch property, and dependence upon the range for a livelihood. (See instructions under "Permits to new owners," p. 110).

(c) By the renewal of a permit formerly held by a copartnership or corporation to each individual member for a number of stock equal to his share in the original permit. (See instructions under "Renewal of permits.")

(d) By the purchase of a permittee's stock or ranches, or both, under circumstances justifying a renewal. (See instructions under "Permits to purchasers of permitted stock," p. 105.)

(e) By inheritance of a permittee's stock or ranches, or both, under circumstances justifying a renewal of the permit. (See

instructions under "Permits to purchasers of permitted stock," p. 105.)

(f) By regular use of Forest range under temporary permit for three consecutive years, and ownership of improved ranch property commensurate with total number of stock grazed.

For convenience in recording basis of recognition on card Form 621 and for reference in correspondence preferences will be arranged in three classes:

- (1) Prior use.
- (2) Grantees.
- (3) Purchasers.

Prior Use.

The regular use of a range during its open season for several successive years, before creation of a Forest, and under continued grazing permit thereafter, is what is meant by "prior use" or "regular occupancy." So far as is consistent with other conditions, preference will be given to those who have continuously used the range for the longest period.

Grantees.

Grantees are those permittees who have been recognized as new applicants since the creation of the Forest and whose preference in the use of the range was secured by grant from the Government rather than on the basis of prior use or the purchase of permitted stock.

Purchasers.

Purchasers are those permittees who have purchased a permittee's stock or ranches, or both, or have secured stock and ranches through inheritance in accordance with the instructions on page 109.

Order of Preference. (See also "Status determined by holdings," p. 90.)

Applicants for grazing permits will be given preference in the following order:

Class A. Small near-by owners.—A class A owner is one who does not own more than the protective limit number of stock established for the Forest or division, who owns and actually resides upon an improved ranch within or adjacent to the Forest, and who is dependent upon the use of the National Forest range in connection with his ranch property. Until the protective limit is defined it is within the discretion of the supervisor to determine whether an applicant is a large or small owner. A firm or corporation can not be considered as a class A applicant, but may be allowed exemption from reduction below the protective limit.

Class B.—Class B includes owners of improved ranch property and stock in excess of the protective limit; owners of

stock either above or below the protective limit who do not own improved ranch property but who have established permanent preferences through prior or regular use; and all copartnerships, companies, and corporations either above or below the protective limit. Upon Forests which are fully stocked all permittees in this class must secure their permits on the basis of prior use and occupancy or the purchase of the stock and ranches of persons holding permits.

There may be several grades of class B applicants. One who owns a large amount of improved ranch property, or one who resides in the vicinity of the Forest, or who has used the range during a long period of years, or who feeds his stock during the winter, may be given preference over one who does not own improved ranch property adjacent to the Forest, or who resides at a distance from the Forest, or who has only used the range a few years, or who winters his stock on the range. Class B permittees are subject to sliding-scale reductions, although usually such reductions are not applied to permits for less than the protective limit.

Class C. Owners of transient stock.—Class C embraces all grazing applicants not falling within classes A and B. A speculator who buys stock and places it upon the range at intervals or the nomadic stockman with no fixed range who trails his stock to widely separated ranges would be class C owners. Class C applicants will be entirely excluded from the Forest before any reduction is made upon class B applicants.

Dependence Upon Range.

A person will be considered dependent upon the use of the National Forest range when the forest lands adjacent to his own contain the only available stock range, and the grazing of a limited number of stock is essential to his success in the development of his land.

Preference to Citizens of State.

If all other conditions are equal, new applicants who reside within the State in which a Forest is located will be given a preference over applicants who reside in adjoining States.

Retention of Preferences.

Grazing preferences can only be retained by a continual use of a range. Permittees who apply to graze a reduced number of stock can not expect range to be reserved for them for a higher number later on. In the case of a voluntary reduction, other applications may be approved for the number by which the first permit was reduced. The preference thus gained will not be surrendered because the first permittee applies a year or two later to graze the original number of stock.

Nonuse of Range.

Applications from persons with established preferences will not be disapproved for nonuse of the range during one year if a statement giving satisfactory reasons is filed with the supervisor before the opening of the grazing period, so that the supervisor may make temporary disposition of the vacant range. Permits allowing the temporary use of such a range should stipulate that a renewal of the permit may not be allowed during the following year.

Nonuse of a range by a new applicant will cause him to forfeit all preference which has been allowed him, unless such nonuse was caused by circumstances over which he had no control.

Except in the case of Federal or State employees, nonuse of the range for more than one year will cause the permittee to lose all preference on account of prior use of the range.

Waiver of Preference.

A person who has signed a waiver of grazing privileges will not be recognized as a new applicant or be granted an increase in permit number, except on account of purchase, until after three years from the date of waiver, unless there is surplus range. He may secure at any time a renewal of permit as a purchaser of permitted stock. (See instructions "Permits to purchasers of permitted stock," p. 105, and Reg. G-19, p. 110.)

Preferences Gained Under Temporary Permits.

When the temporary permit covers different numbers of stock during different years, a grazing preference will be allowed only for the smallest number of stock grazed during any one of the three years, but temporary permits may again be issued for the use of the surplus range.

All preferences gained through use of the range under temporary permit will be subject to the established maximum limits, and no such permit will be issued to a permittee above the maximum limits, except with the distinct understanding that it is temporary and not renewable.

Foreclosure of Mortgage.

If a mortgage on stock is foreclosed, the permittee does not lose his preference in a permit for the following season, and unless he has returned his permit to the supervisor and consented to the issuance of a permit to the mortgageor as a purchaser for the remainder of the grazing period, he may replace the stock. The person foreclosing the mortgage may be allowed, with the consent of the permittee, to continue grazing the stock during the remainder of the current grazing period under the same conditions as a purchaser, but secures no privi-

leges of renewal unless the owner of the stock signs a waiver of his renewal preferences. (Also see "Permits to purchasers of permitted stock," p. 105.)

The foreclosure of a mortgage covering both stock and ranch will not cause a permittee to lose the preference allowed him in use of the range if he replaces the stock and secures another ranch equally dependent upon the range.

Transfer to Another Forest.

A grazing preference can be transferred from one Forest to another only when the first Forest is overstocked and the second Forest is understocked and the transfer will be generally beneficial. In this event a transfer may be allowed if both supervisors approve.

PROTECTIVE AND MAXIMUM LIMITS.

REG. G-16. When necessary to secure an equitable distribution of grazing privileges, the district forester will establish protective limits covering the number of stock for which the permits of small class A owners will be exempt from reduction in their renewal. It will be within the discretion of the district forester to establish general protective limits applicable to the entire Forest or special protective limits for each grazing district, such limits to be based upon the character and intensity of the demand for grazing privileges within each district. Permits for numbers of stock in excess of the protective limits will be subject to necessary sliding scale or other reductions and will not be subject to increase in number except through purchase of stock and ranches of other permittees. (See Reg. G-18.)

When necessary to prevent monopoly of the range the district forester will establish maximum limits in the number of stock for which a permit will be issued to any one person, firm, or corporation. The maximum limit may, in the discretion of the district forester, be made applicable to a portion of a Forest, to an entire Forest, or to a group of contiguous Forests. Permits for numbers of stock in excess of the maximum limits will be issued only to persons who, during the preceding year, held permits to graze numbers of stock equal to or greater than that for which application is made. The district forester may suspend the maximum limit in special cases.

Protective Limits, General Purpose.

Protective limits are established to protect permittees from reductions in the number of stock which they are allowed to graze under permit to a point where it is too small to be handled at a profit or to contribute its proper share toward the maintenance of a home. The average number of stock which a set-

tlar must graze in order to utilize the products of his farm or derive a reasonable profit will be determined upon each Forest or, if necessary, upon each grazing district thereof, and will serve as the basis for the protective limit.

Variation in Protective Limits.

Protective limits have been established for various Forests running from 25 to 300 head for cattle and horses, and from 500 to 2,000 head for sheep and goats. The limit on sheep is proportionately higher than on cattle, because as a general rule the cost of handling is increased by requiring a man to run less than one full band. With cattle or horses, which can be turned loose upon the range, a proportionately smaller number of animals can be run with profit. Under ordinary conditions the average number of stock per permit may be the basis for the protective limit of the Forest.

Establishment of Protective Limits.

When in the judgment of the district forester it becomes necessary for the protection of class A owners, he will establish protective limits for each kind of stock, and renewals of all permits within such limits will be made without reduction. It will be within the discretion of the district forester to establish limits uniformly applicable to the entire Forest or special limits for each grazing district of the Forest. A holder of a permit for one class of stock may secure a permit for another class, providing the number holds the inverse ratio to the protective limit. For example: A holder of a cattle permit for 75 head on a Forest where the protective limit is 100 head may also be allowed a permit to graze 300 sheep if the protective limit on sheep is 1,200 head.

Maximum Limits, General Purpose.

When necessary to prevent monopoly in the use of the range through the purchase of permitted stock and ranches or to effect a wider distribution of grazing privileges, the district forester will establish a maximum limit upon the number of stock allowed any one applicant, such limit to be effective within a part of a Forest, an entire Forest, or a group of contiguous Forests, as decided by the district forester. No permittee will be allowed to increase his grazing preference above this limit. When necessary reductions in permits for more than the maximum limit will be made in accordance with the sliding scale.

Renewals of old permits in excess of the maximum limit may be allowed, but the purchase of stock and ranches will not entitle the purchaser to a renewal of permit in excess of it. Exception to this rule may be made by the district forester when an established outfit holding permit in excess of the maximum limit is sold to a single purchaser.

RENEWAL OF PERMITS.

REG. G-17. Grazing permits will be renewed only when the grazing of the class of stock involved is authorized by the Secretary of Agriculture. A permit may be divided in its renewal because of division of stock and ranches between two or more owners or purchasers. Permits for numbers of stock in excess of the established protective limits will be subject to reduction in their renewal, and no division or sale of stock and ranches will exempt such permits from reduction.

The permit of a corporation will not be renewed if, subsequent to the issuance of its former permit more than twenty per cent of the shares of its capital stock have been transferred to, or purchased by, any person or persons owning shares in other corporations holding grazing permits for a number of live stock which combined with the number to be allowed in renewal of permit, will exceed the established maximum limit.

Change of Residence.

A permittee with an established preference may change his residence to a point more remote from the Forest without disqualifying for a renewal of permit, provided he retains his other interests.

Disregard of Winter-Feeding Clause.

A permit issued upon condition that the stock will be fed during the winter upon the products of the permittee's ranch will not be renewed if the stock were not so fed during the winter preceding the season for which permit is desired.

Sale of Ranch.

A permittee having a range preference based on ranch property located in or adjacent to a National Forest may dispose of such ranch property without entirely disqualifying himself for a renewal, but unless he secures similarly located ranch property his classification is changed, and the renewal of the permit will be on the basis of the changed classification.

Change in Class of Stock.

A renewal of permit may be allowed for a class of stock different from that previously granted. It may require relinquishment of one range and acceptance of another on some other part of the Forest. The ratio of exchange will depend on the demand and the capacity of the ranges in question.

Partnerships.

A permittee having an established preference may enter into partnership agreement with another person not a permittee, and secure a renewal of his permit in the name of the partnership,

the proportionate interest transferred being subject to the rules governing the renewal of permits to purchasers, provided that a share in both the stock and ranch property is transferred.

Partnership ordinarily means joint ownership of the stock and ranches, and the renewal to each member depends upon the division of each that is made. Signed agreements showing this division may be required by the supervisor.

A renewal on the division of stock and ranches may give a member preference in the range for a certain number of stock, but it does not define his status or whether he is in Class A, B, or C.

In the renewal of a permit held by a partnership to the individual members the same reductions will be made on the total number of stock grazed the previous year as would have been made on the original permit, each renewed permit bearing its pro rata share of such reduction. The stockholders of a corporation which has dissolved may be allowed a renewal of permit under the rules governing renewal of permits to purchasers.

Temporary Extension Permits.

In the extension of permits for the summer season to cover a longer period, temporary permits for the number of stock which have reached the age of 6 months, in excess of the number covered by the permit for the summer season, may be issued whenever this will not result in injury to the Forest.

Renewal to Estates.

In case of the death of a qualified permittee a full renewal of permit will be granted in the name of the estate and the duly appointed administrator until the estate is divided and distributed among the heirs by court decree. Renewal of permit to the heirs will be in accordance with the instructions governing the issuance of permits to purchasers of permitted stock. (See p. 93, 'Heirs to owners of permitted stock.')

Renewals to New Settlers.

After new settlers have used the range for the required three years they will be classed as regular users. The renewal of their permits thereafter will be contingent, however, upon compliance with conditions and restrictions imposed when the original applications were approved.

INCREASES AND REDUCTIONS.

Increases Above Protective Limit.

Increases above the protective limit will be allowed only to purchasers of stock and ranches of permit holders or upon the basis of three successive years' use of the range under temporary permit. Any such increase will not exceed the maximum limit.

Increases to Class A Permittees.

Class A permittees owning a less number of stock than the protective limit will be allowed to increase their number gradually but may be restricted in the number added each year. Old class A users may increase at once to the number allowed new applicants. Beyond this number increases will be by fixed percentages established by grades. On fully stocked Forests the total increase allowed combined with the total number allotted new settlers must not be more than 3 per cent of the allotment except when a surplus in excess of this percentage is created by the reduction on permits renewed to purchasers. The supervisor will determine the division of the allotment which will be made between new settlers and persons whose permits are below the protective limit.

Increases to Class B Permittees.

Upon a fully stocked Forest increases to class B permittees will be limited to those based upon the acquisition of permitted stock, but when there is surplus range within a Forest in excess of that applied for by class A owners, and such action will not require a reduction in any permanent permit, increases may be allowed class B owners up to the established protective limit number.

Increases to Permittees on Feeding Basis.

Where permits are issued on a feeding basis, increases will not be granted or permits issued for a greater number of stock than the products of the applicant's land will support during the winter season.

Increase in Term Permits.

Term applications for less than the protective limit may be amended to allow the same annual increase that is allowed annual applicants until the protective limit is reached.

Reductions.

Where reductions are necessary, each grazing district will be considered as a unit, and the permittees occupying it will be required to meet any reductions necessary to prevent damage to the range or to provide range for new applicants entitled to graze within the district. Reductions will be based upon the number of stock grazed under permit the previous year. When there is unused range on other districts within the Forest, permittees who desire to transfer a part or all of their permitted stock to such range will be given a preference in its use. Class C owners will be excluded before the other classes are reduced. The reduction will be made in the class B owners. Class A owners will be exempt from reduction.

Method of Applying Sliding Scale.

When a sliding-scale reduction figure has been worked out it may be applied in the following manner, varying the percentages to suit the situation: All applicants who do not own improved ranch property or who are nonresident ranch owners and winter their stock upon the adjoining open range, regular users who purchase winter feed for their stock from resident ranch owners, and nonresident ranch owners whose stock is wintered upon the products of their lands will be reduced 75 per cent of the reduction figure. Owners residing upon their improved ranches and wintering their stock upon the products of their lands will be reduced 50 per cent of the reduction figure.

Reduction in Term Permits.

All applications for grazing during a term of years, which are approved for more than the protective limit, will be granted, subject to an annual reduction, not exceeding 5 per cent, to provide for the issuance of permits to new settlers within or in the immediate vicinity of the National Forests, and subject to any additional reduction which may be necessary to stop damage to the Forest.

At the expiration of the term permit the 5 per cent clause to provide for new owners ceases to be binding on the Service, and the application is subject to any percentage of reduction before it is renewed that is effective on the Forest at the time.

PERMITS TO PURCHASERS OF PERMITTED STOCK.

REG. G-18. Permits will be granted only for the exclusive use and benefit of the owners of the stock, and will be forfeited if sold or transferred in any manner or for any consideration. If stock grazed under permit is sold during the term of the permit, upon receipt of evidence that the sale is bona fide and the filing of a waiver of the grazing privilege, the supervisor will cancel the original permit and will issue, free of charge, an amended permit to the original permittee for the number of stock retained and a permit to the purchaser for the number of stock purchased, which will allow the grazing of such stock upon the National Forest during the remainder of the permit period. Renewal of permit to the purchaser during subsequent years will be subject to the following restrictions:

The permittee from whom the stock is purchased must have used the range during three or more successive years, unless the initial permit was secured through the purchase of permitted stock, in which event a renewal of permit to a second purchaser may be allowed after the expiration of one year

from the date of the permit issued to the first purchaser. The permittee selling the stock must execute an agreement waiving to the United States all claims to preference in the use of the Forest land for the grazing of the number of stock transferred. The permit in its renewal will be subject to the maximum limit restrictions and to necessary reductions applicable to other permits of the same class and no division of stock and ranches will exempt such permits from reduction.

Subject to the foregoing restrictions, a renewal of permit for stock purchased for not to exceed 90 per cent of the permittee's established grazing preference may be allowed the purchaser of stock grazed under permit and the ranches used in connection therewith. The mere purchase of stock grazed under permit will not entitle the purchaser to share in the grazing privilege, but if the purchaser is the owner of improved ranch property which is commensurate and used in connection with the permitted stock, a renewal of permit for stock purchased may be allowed for not to exceed 80 per cent of the permittee's established grazing preference.

A resident ranch owner who after the purchase does not own a total of more than the protective limit number of stock will be granted renewal of permit for the full number of permitted stock purchased.

On Forests not fully stocked, and where reductions on the permits of regular users are not necessary to provide for new settlers or increases to small owners, the 80 and 90 per cent stipulation in the previous paragraph may be waived at the discretion of the district forester and full renewal allowed to purchasers.

Free Permits to Purchasers.

In case a permittee sells his permitted stock during the permit period and the purchaser wishes to continue to graze it on the National Forest, upon presentation to the supervisor of evidence that the sale is bona fide and the required waiver (Form 763) the original permit will be canceled and a new permit issued to the purchaser without charge for the remainder of the season. If only a portion of the stock is sold, an amended permit for the number of stock retained will be issued to the original permittee. Renewal of permit the succeeding season will be in accordance with the following rules:

Waiver of Preference.

Where the renewal of a permit is allowed a purchaser of stock, a written waiver (Form 763) of all claims by the original permittee to a renewal of the permit for the stock sold should be filed with the supervisor.

Proof of Validity of Transfer.

Such other information must be furnished by the purchaser as may be necessary to satisfy the supervisor that the sale is bona fide.

A statement showing the character and amount of ranch property upon which the application for renewal is based and the relationship it would bear to the stock should be submitted.

Unless the evidence shows conclusively that title to the stock involved passed directly from the person executing the waiver to the purchaser applying for the permit renewal of the permit will not be allowed.

If considered advisable by the supervisor, statements submitted under these instructions may be required under oath.

Minimum Period Between Renewals.

In order to prevent speculation, renewal of permit will not be allowed a purchaser of permitted stock if the original permittee has used the range less than three years. A permit granted because of the purchase of permitted stock may, however, be renewed to a second purchaser after the expiration of one year from the date of the permit issued the first purchaser. This rule will also apply when the permittee who proposes to sell is a member of a partnership.

Subject to Reduction in Renewal.

All permits issued to purchasers of permitted stock are subject to any reductions that would have been made in the original permit.

Sale of Stock After Approval of Application.

When stock is sold after the application for a grazing permit has been approved and prior to the beginning of the grazing period, the original application will be canceled and the application of the purchaser will be approved upon its merits, subject to the regulations governing the issue of permits to the purchasers of stock.

Purchaser Must Observe All Requirements.

All conditions, stipulations, and agreements which were binding upon the original permittee will also be binding upon the purchaser of permitted stock, and a renewal of permit may be denied for failure to observe all requirements.

Purchase of Stock Only.

No renewal of permit will be granted to a purchaser of permitted stock unless he is qualified by ownership of ranch property and in other requisite ways to share in the use of the Forest ranges.

Purchase of Stock Only by Owner of Improved Ranch.

A purchaser of permitted stock who owns ranch property commensurate and so located that it will be used in connection with the stock or who acquires such property from persons other than the original permittee, may be allowed a renewal of permit for not to exceed 80 per cent of the number of the permittee's established grazing preference, provided that the maximum limit restriction is not exceeded.

Purchase of Stock and Ranches.

If the ranch property is commensurate and used in connection with the permitted stock, the purchaser of both the stock and ranches of a permittee may be allowed a renewal of permit for not more than 90 per cent of the permittee's established grazing preference, subject to the maximum limit restrictions. If the ranch property is not fully commensurate, a proportionate reduction should be made in the number of stock for which renewal of permit is allowed.

No Reduction on Small Owners.

A renewal of permit may be allowed for the full number of stock purchased if the purchaser does not own a total of more than the protective limit number of stock, and is a qualified ranch owner.

When Reductions in Number of Purchased Stock May Be Waived.

When there is surplus range on a Forest, or a district of a Forest, that is sufficient to meet the demands from all persons regularly entitled to new permits, or to cover authorized increases in existing permits, the reductions required by the preceding paragraphs may be waived at the discretion of the district forester.

Purchase of Ranch Property Only.

The purchase of ranch property or improvements used in connection with permitted stock does not convey any right or preference to a share in the use of Forest lands and no renewal of permit will be allowed solely on the basis of such a purchase. A purchaser of ranch property previously used in connection with permitted stock will be considered only as a new applicant or as the purchaser of other permitted stock.

In cases where the permitted stock are removed from the Forest, the purchaser not intending to continue in the use of the Forest lands, and where the permittee has signed a waiver the purchaser of the ranch property will be given a preference over other new applicants to the extent of being placed at the head of the list and granted first consideration.

Ranch Property.

Property, such as town lots, fruit land, or mineral land, which does not bear a direct relation to and is not dependent upon the

live stock for its best use, will not be accepted as a basis for the renewal of permit to the purchaser of permitted stock. The character of the property and the degree of its use in connection with the stock must conform to the general requirements and practices of the locality.

Relation of Ranch Property to Stock.

Where winter feeding is necessary the land must produce sufficient feed to winter the permitted stock and must be used for that purpose. Where winter feeding is not required the ownership of a headquarters ranch, spring, fall, or winter range, lambing grounds, or lands containing controlling sources of water supply may justify renewal. In every case the land must be used in connection with the permitted stock and be commensurate with the number of such stock for the purpose for which it is used.

Leased Land Not Acceptable.

The applicant for renewal must hold title to the lands, as leased lands do not meet the requirements of the regulations.

Transfers to Copartnerships and Incorporated Companies.

An individual permittee who enters into a copartnership agreement transfers only an undivided interest in all or a part of his stock or ranches, or both, to the other members of the copartnership. An individual permittee who transfers to an incorporated company makes a complete transfer, retaining no interest in the stock or ranches, but receiving instead an interest in the corporation through the medium of certain shares or certificates, which are readily transferable, but which do not affect the status of the corporation as a permittee by their transfer. In renewal of permit to a copartnership only the proportionate interest transferred will be reduced in accordance with the rules governing the renewal of permits to purchasers, but in renewal of permit to a corporation the reduction will apply to the full number of stock transferred, even though the original permittee acquires and retains an interest in the corporation equivalent to his original interest in the stock grazed under his individual permit.

Inheritance of Stock.

See p. 93, "Heirs to owners of permitted stock," and p. 103, "Renewal to estates."

Purchase Through Foreclosure.

The acquisition of permitted stock through the foreclosure of a mortgage or a forced sale conveys no privilege of renewal of permit unless the original permittee signs an agreement waiving all further claim to preference in the use of the range, nor does it exempt the purchaser from any of the provisions

of the regulations governing the renewal of permits to purchasers, except temporarily as herein provided.

Temporary Permit to Purchaser at Forced Sale.

A temporary permit, effective during one season only and not subject to renewal, may be granted the purchaser of stock through a forced sale (a) when there is surplus range which may be used without undue interference with other permittees, (b) when the original permittee, while retaining his grazing preference and intending to place stock on the range after the expiration of one year, does not intend to replace the mortgaged stock during the season following the foreclosure.

Renewal in Case of Purchase at Forced Sale.

When the original owner has signed a waiver (Form 763), the purchaser of stock obtained by a forced sale may be allowed a full renewal of permit for the following season, with the understanding that at the beginning of the second year the reductions required by the regulations will be imposed and the rules in reference to the issuance of permits to purchasers of permitted stock will be strictly enforced.

If the stock is sold to a second purchaser during the year in which a full renewal is allowed, the regular reduction will be made in the renewal of the permit during the following season.

PERMITS TO NEW OWNERS.

REG. G-19. Grazing applications other than for renewal of permit will not be approved if the average number of stock per permittee upon the Forest or upon the grazing district where the stock are to be grazed is more than 20 per cent below the established protective limit number unless there is surplus range after permits have been renewed and equitable increases granted to properly qualified permittees; or if the approval of such applications requires a total reduction upon any permit of the preceding year of more than 10 per cent in the permit of an owner of improved ranch property commensurate with the permitted stock; or more than 20 per cent in the permit of a person not owning such property. If a Forest is fully stocked, the total number of stock to be distributed among new applicants and permittees below the protective limit during any one year must not exceed 3 per cent of the total number authorized on the Forest for the year, and no new permit will be issued for more than one-half of the protective limit number.

If the average number of stock per permittee is less than the protective limit established for the Forest or the grazing district, unless there is surplus range no new permit will be issued for more than one-fourth of the protective limit num-

ber, nor will such permit be issued except for stock which will be fed during the winter from the products of the permittee's ranch.

Upon fully stocked Forests or grazing districts, applications other than for renewal of permit will not be considered unless filed with the supervisor six months before the beginning of the grazing season.

Persons who have sold their stock grazed under permit and signed a waiver to their preference will not be recognized as new applicants or granted increases in permit numbers for a period of three years from the date of the waiver, except as purchasers of permitted stock or unless there is unused range after all other qualified applicants have been provided for.

Applications Six Months in Advance.

Applications from new settlers or beginners for grazing privileges on Forests or grazing districts which are fully stocked will not be considered unless filed with the supervisor at least six months before the beginning of the yearlong grazing season.

Proper notification in reference to reductions which may be necessary should be given the other users of the Forest as soon as possible in order that they can adjust their business to meet it without loss.

Limited to 3 Per Cent.

When the range is fully stocked or the surplus is less than 3 per cent of the allowance, the total number of stock allowed beginners in any one year plus increases to small owners must not exceed 3 per cent of the total allowance for the Forest.

When the surplus in the authorization available for allotment is less than 3 per cent the number required will be secured by the exclusion of class C permittees and by reductions on the permits of class B owners.

When a surplus in the authorization is available for allotment equal to 3 per cent of the number of stock authorized, no sliding-scale reductions will be made.

When Reductions Should Not Be Made.

No sliding-scale reduction will be made to provide for new applicants within any Forest or grazing district where the average number of stock per permittee is less than 80 per cent of the protective limit number.

The reason for this restriction is that on a fully stocked range where the average permit is less than 80 per cent of the protective limit the further division of grazing privileges among a larger number of persons is a hardship upon small owners already holding permits, as it would prevent them from increasing their permits to the protective limit and be detrimental rather than beneficial in its effect upon the local welfare.

When Restricted to One-fourth of Protective Limit.

Upon fully stocked Forests or parts thereof where the average number of stock per permittee is between 80 and 100 per cent of the protective limit number, none but class A new applicants will receive favorable consideration. The number of stock the new applicant will be allowed to graze during the first year will be not more than one-fourth of the protective limit number; permit will be issued only for stock that is to be wintered upon the products of the applicant's ranch, and will not be renewed if winter feeding is discontinued. Where the average holding per permit is so low the admittance of additional permittees is justified only when the new applicants absolutely require limited grazing privileges in order to dispose of the products of their ranches which can be marketed only by feeding them to live stock.

When Restricted to One-half the Protective Limit.

Upon fully stocked Forests or grazing districts, where the average number per permittee is above the protective limit, none but class A applicants will receive favorable consideration. The maximum number of stock they will be allowed to graze the first year is one-half of the protective limit number.

When Allowed for Full Protective Limit Number.

Upon Forests or grazing districts that are not fully stocked, bona fide class A permittees may be granted permits to graze the fully protective limit number of stock. If there is surplus range, new applicants of class B may also be allowed permits up to the protective limit number, provided that the issuance of permits to them will not entail a reduction upon other occupants of the range or debar class A applicants.

Definition of a Fully Stocked Forest.

Under the above instructions a Forest or grazing district will be considered as fully stocked whenever the permanent privileges enjoyed by class B permittees, plus the total demand for range by all class A owners, equals the number of stock authorized.

Temporary Allowances.

If after providing for all qualified applicants of classes A and B there is still a surplus of range, temporary permits may be granted to new applicants of class C.

CANCELLATION AND REVOCATION OF PERMITS.

REG. G-20. Authority to cancel or revoke grazing permits is delegated to forest officers under the following conditions: Permits may be canceled by the issuing officer or his successor or official superior upon request, or with the consent of the

permittee, if such cancellation is not detrimental to the best interests of the Government. Permits may be revoked for breach of the terms of the grazing application or permit or of the rules and regulations, provided that the breach thereof is clearly established after the permittee has been afforded a reasonable opportunity to show cause why the permit should not be revoked, and that the revocation of permit is approved by the district assistant to the solicitor, but they may be revoked only by an official superior of the issuing officer or in the following general order: Forest rangers' permits by the forest supervisor, forest supervisors' permits by the district forester, district foresters' permits by the Forester.

Cancellation.

Cancellation requires the consent of the permittee and the surrender of the permit. The officer canceling the permit will assure himself that the permittee will not be relieved of any existing obligation and that the cancellation of the permit will not be inimical to the best interests of the Government.

Revocation.

A permit may be revoked without the consent of the permittee or surrender of the permit.

The permittee will be advised of the reasons rendering necessary the revocation of permit and will be allowed a reasonable time within which to show cause why the permit should not be revoked.

BONDS.

REG. G-21. Whenever it is necessary for the protection of a National Forest, or of the interests dependent upon it, the supervisor may require the owners of transient stock, or non-residents of the State or Territory in which the National Forest is located, or persons who have persistently violated the regulations of the Secretary of Agriculture to give good and sufficient bond to insure payment for all damage sustained by the Government through violation of the regulations or the terms of the permit.

The supervisor may require the owners of stock to give bond to insure payment for damage caused by violation of the terms of the permit. The amount of the bond will be determined by the supervisor.

Ordinarily it will be for not less than twice or more than four times the amount of the grazing fee, or an amount which represents approximately the actual value of the forage.

A bond may be required of a former trespasser preliminary to the issuance of a permit, or of a permittee who has, during two successive seasons, disregarded the regulations, or whose

employees are inclined to violate the regulations or disregard the orders of the forest officers.

SETTLEMENT OF CONTROVERSIES.

REG. G-22. Whenever there is a dispute between grazing applicants for the same area the supervisor will notify them to appear before him at a stated time and place, to make a statement of their claims. After all evidence has been presented the supervisor will decide who shall be granted permits, and will forthwith notify each party to the dispute of his decision and his reasons therefor, which will be final unless written notice of appeal to the district forester is given within 10 days thereafter. Upon filing such notice 20 days will be allowed for preparation of the case for presentation to the district forester.

An appeal to the district forester should be prepared in accordance with the instructions governing the preparation of appeals. (See "Appeals" below.) It should be filed in duplicate with the supervisor, who will at once transmit one copy to the other party, with notice that 10 days from its receipt are allowed for answer. The answer should be in duplicate and should contain the statement of material facts required by the procedure under "Appeals." One copy will be transmitted to the original appellant, who will be allowed 10 days to make his final reply. All statements of appellants will be in writing and verified by oath, and may be accompanied by affidavits of witnesses. The originals of these papers will then be forwarded to the district forester, and no other evidence will be taken unless called for by him. A copy of the supervisor's decision in the case will, of course, accompany the appeal papers.

Occupancy of Range Pending Decision.

Pending decision the party occupying the range will be allowed to continue its use, but must remove his stock within 10 days after receiving notice that the district forester has decided against him, unless an appeal be taken to the Forester or the Secretary of Agriculture. In case of such an appeal the person in possession of the range will be allowed to continue its use until a final decision has been rendered.

Opinion by Advisory Board.

In case the appeal involves the use of a range where an advisory board has been recognized, copies of the appeal and answers may be referred to the advisory board with a request for a written opinion.

APPEALS.

REG. G-23. The disapproval of an application for grazing privileges, the denial of an increase or the requirement of a

reduction in the number of stock covered by a permit in its renewal, or the disapproval of a request for a certain range allotment by the supervisor shall be considered final unless written request for a reconsideration of the case is filed with the supervisor within 10 days from the date of the receipt of his decision. The decision of the supervisor after a reconsideration of the case shall be considered final unless written notice of appeal to the district forester is filed with the supervisor within 10 days from the receipt of his decision. The decision of the district forester, under this or the foregoing regulation, shall be considered final unless written notice of appeal to the Forester is filed with the district forester within 10 days from the receipt of his decision. Appeal may also be taken to the Secretary of Agriculture from adverse decisions of the Forester and must be presented to the Secretary of Agriculture within 30 days from notice of the decision of the Forester. Appeal under this or the foregoing regulation to the district forester, the Forester, or the Secretary of Agriculture will avail only when it is shown by the evidence submitted that the decision is not warranted by the facts or is contrary to the grazing regulations or the instructions covering the allotment of grazing privileges.

Supervisor's Decision—Reconsideration.

Upon receipt of request for a reconsideration of a case the supervisor will furnish the applicant with a copy of the grazing regulations and of the instructions, as set forth in "The Use Book," upon which he based his decision, upon receipt of which the applicant will prepare his formal statement in writing, verify it by oath, and accompany it by affidavits of available witnesses. This statement when submitted to the supervisor will cover—

Actual and legal residence of applicant.

Period of residence.

Description and location by legal subdivisions of ranch property owned by applicant.

Character of ranch property owned by applicant.

(a) Improved farm land producing cultivated crops.

(b) Amount of summer pasture or range.

(c) Amount of winter pasture or range.

(d) Amount of land controlling water supply.

(e) Amount of forage produced annually.

Period of ownership.

Description of ranges upon which the stock was actually grazed during each of the years previously mentioned.

Number of years applicant has held a permit to graze stock on National Forest range.

Number of each class of stock grazed under permit during preceding year.

Number of each class of stock fed during each winter.

Quantity of forage fed during each winter.

Statement of reasons for reconsideration, citing the regulations and special instructions contrary to the supervisor's decision.

List of witnesses who can substantiate the preceding statements.

List of affidavits submitted in corroboration of statements.

And such other material facts as may have a bearing upon the case at issue.

Additional Time to Complete Evidence.

When all the evidence in the case has been filed by the applicant with the supervisor, he will examine the record carefully, and if evidence upon material points is lacking, he will notify the applicant of the omission and advise him that he will be given 10 days additional in which to submit the missing evidence.

Supervisor's Formal Decision.

Within 10 days from the date of the filing of the completed record the supervisor will prepare a formal decision, discussing each point of the applicant's statement, and stating clearly the regulations and reasons upon which his decision is based. This will be forwarded by registered mail to the applicant.

Further Consideration.

Should the decision be adverse, the applicant may file written notice with the supervisor within 10 days from the receipt of the registered decision, requesting a further consideration of material new evidence. The applicant will be advised by registered letter of the action taken upon his request, and if it is granted, will submit the additional evidence within the time set by the supervisor. If the request is allowed, the supervisor will prepare a final decision, which will be transmitted to the appellant in a registered letter. If the request is refused, or if the supervisor's final decision is adverse, the applicant may appeal to the district forester by filing written notice with the forest supervisor within 10 days from the receipt of the registered notification.

Appeals to the District Forester.

In an appeal before the district forester, the appellant and the forest supervisor may each file an argument or brief reviewing the previous decisions and the evidence in the case. New evidence will not be admitted unless the applicant's request for

the consideration of new evidence had been rejected by the supervisor, in which event the new evidence may be submitted to the district forester, and, if material, will be considered by him.

When an appeal is taken to the district forester, the supervisor will forward the complete record in the case to him for his consideration. When this is received, the district forester will review it and prepare a decision, which will then be sent by registered mail to the appellant, and a copy transmitted to the supervisor.

The supervisor's decision will not be reversed unless it is shown to be unwarranted by the facts, the regulations, instructions, or the law. When there is a variation in the statements of the supervisor and the appellant, but the preponderance of the evidence shows the supervisor to be justified in his action, he will be sustained.

Within 10 days from the receipt of the district forester's decision, an appeal to the Forester may be filed with the district forester.

Appeals to the Forester.

Where a case is appeal to the Forester the appellant may file one additional statement, reviewing the previous decisions and presenting the argument. The district forester will also file a statement. These two briefs, together with all papers in the case, will be presented to the Forester, and upon them his decision will be rendered.

Appeals to Secretary of Agriculture.

Appeals may also be taken to the Secretary of Agriculture from adverse decisions of the Forester. Any party availing himself of this privilege must, within 30 days from the time he receives notice of the Forester's decision, file with the Forester his petition for review by the Secretary of Agriculture. Upon receipt of the petition the Forester will submit all the papers to the Secretary.

Field Investigation.

A field investigation of an appeal case may be ordered by the district forester, the Forester, or the Secretary of Agriculture. The field examiner will submit a report, which will be considered at the time the decision is rendered.

Examination of Records.

Copies of answers or reports will be furnished the appellant in the discretion of the deciding officer. The appellant or his authorized agent may inspect the record of the case in the office of the supervisor, district forester, Forester, or Secretary of

Agriculture, but will not be allowed to remove any papers. Statements of witnesses which have been submitted can not be regarded as confidential if they are considered as testimony. The appellant will be given full knowledge of the material facts contained in such statements and of the identity of the witnesses. Statements submitted in confidence and which must be treated as confidential can not be used as the basis for a decision.

COUNTING STOCK.

REG. G-24. When an owner who has a permit is ready to drive in his stock he must notify the nearest forest officer, by mail or otherwise, of the number to be driven in. If called upon to do so, he must provide for having his stock counted before entering a National Forest, or at any time afterwards when the number of stock appears to be greater than the number covered by permit.

Counting corrals, wings, chutes, etc., will be constructed at convenient points to facilitate compliance with this regulation and each year an actual count will be made wherever possible, without serious interference with the proper handling of the stock.

When Unnecessary.

Where the local forest officers are in possession of reliable information that the number of stock being brought in by a permittee is not in excess of his permit number, counting may be dispensed with, especially if it involves a material expense to the Service.

Counting Cattle and Horses.

Where cattle or horses are driven to Forest ranges from the feed lots or winter ranges, a count may be made at points of entry designated by the forest officers.

Feed-Lot Counts.

Counting in the feed lots can be done at a time when it will interfere little with a ranger's duties. The results are fairly accurate. If the number for which application is submitted is less than the number in the possession of the applicant at the time the count was made he may be required on entering the Forest to show what disposition has been made of the balance. An applicant who refuses to allow his stock to be counted in a feed lot may be required to arrange for a count before entering the Forest or to round-up at any time thereafter if the supervisor has reason to believe that the number being grazed is in excess of the permitted number.

DAMAGE TO ROADS, TRAILS, OR SPRINGS.

REG. G-25. Each person or group of persons granted grazing permits must repair all damage to roads or trails under the jurisdiction of the Forest Service caused by the presence of their stock in any portion of a National Forest, and build any new roads or trails found necessary for the proper handling of their stock. They must also fence any spring or seep upon Government lands which is being damaged by the trampling of their stock, and, if required by the supervisor, must pipe the water into troughs for watering stock. Such troughs must be open for public use.

BEDDING SHEEP AND GOATS.

REG. G-26. Sheep and goats must not be bedded more than six nights in succession in the same place, except when bedding bands of ewes during the lambing season; and must not be bedded within 300 yards of any running stream or living spring, except in rare cases where this restriction is clearly impracticable.

DISPOSITION OF CARCASSES.

REG. G-27. The carcasses of all animals which die on the National Forest from contagious or infectious diseases must be burned, and the carcasses of all animals which die in the close vicinity of water must be removed immediately, and buried or burned.

The carcasses of animals dying from blackleg, anthrax, glanders, and other bacterial diseases scatter germs on the range when they decompose, and a healthy animal may contract the disease. Therefore, to prevent the pollution of water supply and the spread of disease among human beings, as well as live stock, this rule will be strictly enforced.

How to Burn a Dead Animal.

The destruction by fire of the carcass of an animal weighing perhaps a thousand pounds is not an easy matter.

One of the best methods known is to dig a hole as close as possible to the carcass, about 2 feet deep and large enough otherwise to contain it.

On the sides of this hole dig two or three small ditches or trenches sloping from the surface of the ground into the hole. These will secure a strong draft, which will aid materially in the success of the work.

Having filled this hole with dry wood, piled so as to give the maximum draft, the animal can readily be rolled onto the pile, and with an additional supply of wood placed around the carcass the combustion will generally be almost complete.

The earth taken from the hole can then be thrown back into it, covering what few bones are left unburned, and the job will be completed in a very satisfactory manner.

Owners Must Dispose of Dead Animals.

Where the ownership of a dead animal can be ascertained the work of burning or burying the carcass must be attended to by the owner or his employees. So far as practicable forest officers will notify persons of the presence upon the range of dead animals owned by them. Where this ownership can not be ascertained the duty of carrying out the regulation falls upon the local forest officer.

SALTING STOCK.

REG. G-28. Whenever the forest officers require it, all stock grazed under permit must be salted regularly at such places and in such manner as they may designate.

Extent to Which Salting Should Be Required.

Salting is required as a means of forest protection, and the regulation should be enforced to as great an extent as the interests of the Forest demand. Otherwise it should be enforced only upon the request of a majority of the permittees or when the State laws require the salting of stock.

Action in Case of Refusal to Properly Salt Stock.

Ordinarily a person who refuses to salt his stock when requested to do so will be subject to a reduction in permit number during the following year. If his refusal is continued and results in damages to the range, he may be denied further privileges. Obviously, where natural licks occur salting will be unnecessary.

Approximate Quantity of Salt Required.

Sheep will consume about a pound and a half of salt during a summer season. Deprived of salt, they are harder to herd and more destructive to the range.

Cattle and horses will use approximately 2 pounds of salt per head per month from the time the green feed begins until mid-summer and 1 pound per head per month during the remainder of the year. This quantity is in excess of that fed on most ranges, but experience has demonstrated that a liberal use of salt

is a profitable investment. A lack of salt causes cattle to collect around old salt grounds and tramp out considerable range.

QUARANTINE AND LOCAL LAWS.

REG. G-29. The owners of all stock which is grazed under permit in, or allowed to cross, any National Forest will be required to conform to the quarantine regulations of the Secretary of Agriculture, and, at the discretion of the Forester, may be required to comply with all live-stock laws of the State or Territory in which the National Forest is located. Forest officers will cooperate with State or Territorial officers, so far as they can without undue interference with their regular Forest work, to enforce local laws for the protection of stock, and will promptly inform the State officials of all violations discovered.

Enforcement of Quarantine Regulations.

Whenever the stock in any locality is known to be infected with a contagious disease, or notice to that effect has been given the Forester or district forester by the Bureau of Animal Industry, the owners of all stock to be grazed in National Forests must, if required to do so, subject the stock to inspection, and, if found necessary, have such stock dipped or otherwise treated before it is allowed to enter. At any time during the period for which a grazing permit has been issued, if the stock is found to be infected with a contagious disease, it must be dipped or otherwise treated in accordance with the instructions of the inspectors of the Bureau of Animal Industry, or the permit will be canceled and the stock removed from the National Forests.

Enforcement of Local Laws.

The owners of all stock grazed under permit must comply with the live-stock laws of the State, or their permits will be revoked if the failure to comply with such laws is resulting in injury to the forest or range or is nullifying any special rules recommended by a recognized live-stock association and approved by the district forester which special rules provide for the enforcement of such State laws.

All officers of the Forest Service will assist the proper State or territorial officials in the enforcement of all quarantine and live-stock laws, and will, with due regard to their official duties, assist the stock owners to protect their property against loss by theft.

ERADICATION OF PREDATORY ANIMALS.**To Reduce Loss of Live Stock.**

The Forest Service will assist stockmen, so far as is feasible, in the killing of predatory animals which are a menace to live stock on the range. Applications for cooperation in this work should be made to the nearest forest officer.

STRAY OR UNBRANDED STOCK.

The ownership of all stray or unbranded stock up the National Forests will be determined by the laws of the State in which the Forest is located, and forest officers will be governed by such laws in the handling of stray or unbranded stock. Persons legally entitled to acquire title to stray or unbranded stock may be allowed to do so, but no permit or agreement will be granted or entered into by any forest officer which authorizes a charge to be made for the gathering of such stock or its sale by the person or persons who have gathered or captured it.

The owners of all branded animals which are captured with unbranded stock will be required to make application for permit and pay the grazing fees upon them. Stray or unbranded stock, if not claimed by persons entitled to it under the law, will be held and the State authorities requested to take charge of it or authorize the forest officer to dispose of it in accordance with the State law.

Herder's Identification Card.

The owners of stock which is kept under herd upon the National Forests will be furnished with cards (Form 976) for the identification of their herders by forest officers.

Card of Thanks.

At the close of each grazing season forest supervisors will send cards of thanks to camp tenders or herders who have during the grazing season carefully observed the regulations, the terms of the permit, and the instructions given them by forest officers. They must also have handled the stock under their charge with intelligence and discrimination, so as to have obtained from the Forest ranges the maximum of value for their employers with the minimum of injury to the range.

PART V.—WATER POWER, SPECIAL USES, CLAIMS, SETTLEMENT, ADMINISTRATIVE SITES.

WATER POWER, TELEPHONE, TELEGRAPH, AND POWER-TRANSMISSION LINES.

GENERAL POLICY.

Every proper inducement is given for the utilization of power sites and for the construction and operation of telephone, telegraph, and power transmission lines within the Forests.

Only a general idea of the purpose and scope of the regulations and of the policy of the Secretary with regard to such development and use of the National Forests is given here. The regulations, in full, accompanied by instructions relative thereto and forms upon which to make application for permits may be obtained upon request to any district forester. (For addresses see page 13.)

How Applications are Filed.

The application should be filed with the district forester of the Forest Service district in which the desired site is located, with the exception that if the project is located in Alaska application may be filed with the forest supervisor at Ketchikan. If the desired right of way includes public lands under the jurisdiction of the Interior Department as well as National Forest lands, a separate application in accordance with the regulations of the Department of the Interior must be filed with the local land office of the land district concerned.

Permits are issued under the act of February 15, 1901, for power projects and transmission lines. Easements for transmission, telephone, and telegraph lines are granted under the act of March 4, 1911.

Revocation of Permits.

It is the policy to insure the greatest stability to the business of developing power within the National Forests that is possible under the laws and consistent with the public welfare. The Secretary has not therefore delegated the power of cancelling revocable permits to any other officer of the Department, and will not himself revoke them until the permittee has had opportunity to show why such action should not be taken.

Steam Power Permits.

Unless requested by the developer, "water-power permits" will not be granted for power plants and transmission lines forming part of a system generating steam power. Such use will be authorized by "Special-use permits" (see page 127).

Power Site Reserves.

To aid legitimate development and to protect the public welfare public lands of the United States chiefly valuable for water power are from time to time withdrawn from settlement, location, sale, or entry, and are reserved for power purposes. By such withdrawals not only is the land retained in Government ownership, but the developer is protected against other claimants to the land. A modification of the power-site reserve may be secured wherever a power permit is applied for in accordance with the regulations.

Act of February 15, 1901.

By the act of February 15, 1901, as amended by the act of February 1, 1905, the Secretary of Agriculture is authorized, under general regulations to be fixed by him, to permit the use of rights of way through the National Forests for conduits, reservoirs, power plants, telephone and telegraph lines, to be used for irrigation, mining, domestic purposes, etc., and for the production and transmission of electrical power. The right of way permission for the use of which is given is restricted to the extent of the ground actually occupied by such plants, conduits, etc., and not to exceed 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center lines of conduits or pole lines. The statute does not make a grant in the nature of an easement, but gives a permission or license, revocable at any time for breach of conditions.

Permission may be granted under the statute for rights of way through unsurveyed as well as surveyed lands.

Form of Permits.

Under the present regulations four forms of permit are granted: (1) Final permits for water-power projects of 100 horsepower total capacity or less; (2) final permits for transmission lines only; (3) final permits for water-power projects of more than 100 horsepower total capacity; and (4) preliminary permits for projects of more than 100 horsepower total capacity.

Preliminary permits are issued to protect an applicant's priority against subsequent applicants until he has had an opportunity to study the proper location and design of the project and obtain the data necessary for the final application. Operation is allowed under final permit only. Unless construction upon National Forest land is necessary in order to preserve the applicant's water appropriation, no construction of the project works will be allowed under preliminary permit.

Data Required with Applications.

The applications for projects of 100 horsepower total capacity or less and for transmission lines are very simple in character; practically the only data required are those necessary for determining the true location of the project or line and for the protec-

tion of the permittees against reapplication for the land by others. In applying for a preliminary power permit, there is required only a sketch map of location and certain other information indicating the project which the applicant has in mind, together with data of run-off when such data have been obtained and are accessible to the applicant; only when permission is requested to construct under the preliminary permit is evidence of water appropriation required. The final application for projects of more than 100 horsepower total capacity is more detailed in character. It is not the intention, however, to require any data that are not necessary and are not customarily obtained before beginning construction.

Terms of Permits.

Final permits for power projects of 100 horsepower total capacity or less are issued for indeterminate periods, subject to revocation by the Secretary. The tenure of final permits for projects of more than 100 horsepower total capacity is usually 50 years, but may be for a shorter time, or, if the Secretary so desires, may be indeterminate. Permission for the use of land for transmission lines covers a period of 50 years. Preliminary permits are granted for periods varying from six months to two years, as determined by the needs of each case.

Rental Charges.

To protect the interests of the public, and to prevent speculative holding of power sites by those who do not intend or are unable to develop, provision is made for the payment of a rental charge under the preliminary and final power permits (except under certain special conditions), and definite periods are specified for the filing of the final application, beginning of construction, and of operation. It is the practice to allow as much time as is requested by the applicant, except when it is evident that the periods are of unnecessary length, or that shorter periods should be given in order properly to protect the interests of the public. The rental charges are nominal in amount, the maximum under the most extreme conditions being about one-sixteenth of a cent per kilowatt hour. On the average the charge for kilowatt hour is much less than that amount, on account of deductions allowed for nonforest land and because in many instances the site is actually developed far beyond the power capacity upon which the charges are based. The amount of the annual payment for transmission lines is \$5 for each mile or fraction thereof of National Forest land crossed by the line.

Free Permits.

No rental charge is made (1) for power projects of 100 horsepower total capacity or less or for transmission lines used in connection therewith; (2) for transmission lines which are part of a power project under permit; (3) for any power project or

transmission line when the power to be developed or transmitted is to be used by a municipal corporation for municipal purposes or by any permittee for one or more of the following purposes— (a) for irrigation as auxiliary to works owned or operated by the permittee, (b) for logging operations in connection with the purchase by the permittee of National Forest timber or for the manufacture into a merchantable product by the permittee of timber so purchased, (c) for the temporary development of power to be used in the construction of permanent project works under permit issued to the permittee.

Regulation of Rates and Service.

In order that the interests of the consumers of power may be protected, the power permittee is required to abide by reasonable regulation of rates and of service by either the State or, if the State does not exercise such regulation, by the Secretary of Agriculture.

Acquisition of Plants by States and Municipalities.

The lands of the United States and permanent structures thereon are not subject to condemnation without authority of Congress, which authority has not been given. A procedure has therefore been provided whereby a State or municipality desiring to take over certain water-power properties on the National Forests may do so with the same facility and for the same purposes that such properties could be acquired if located wholly on private lands. The procedure which has been provided leaves the interests of the United States intact, while fully protecting the legitimate interests of the permittee and the transferee. In the stipulation the permittee contracts to surrender the permit, together with such part of the work dependent in whole or in part upon the continuance of the permit as has been determined upon by prior agreement. In return the permittee receives the reasonable value of all tangible property plus a bonus varying according to the length of the unexpired term of the permit. This bonus has been added in order that the property of a permittee may not be taken away before he has had an opportunity to earn the expected returns, except upon the receipt of compensation in addition to the cost of the properties.

Valuation of Permit.

An important function of the Federal Government in water-power regulation is the prevention of capitalization of the permit and of the occupancy and use of the public domain. This is accomplished by the regulations.

Act of March 4, 1911.

By the act of March 4, 1911 (36 Stat., 1253), the Secretary having jurisdiction over the land is authorized, under general regulations to be fixed by him, to grant an easement for rights of way for a period not exceeding 50 years from the date of

issuance of the grant over public lands, National Forests, and reservations, for poles and lines for telephone, telegraph, and electric-power transmission. The right of way is restricted to a strip 20 feet on each side of the center line. It is also provided that if any or all parts of the right of way covered by the grant is abandoned or is not used for a period of two years, the Secretary may declare the right forfeited.

Data Required with Application.

The data required with applications are simple in character and are necessary for determining the true location of the project and for the protection of the permittees against application for the land by others.

Tenure of Grant.

While the maximum length of the grant is limited to 50 years, shorter periods may be given.

Rental Charges for Rights of Way.

Unless otherwise ordered by the Secretary, a rental is charged for the use of National Forest land crossed by power-transmission lines. Charges for one year in advance must be paid prior to the granting of the right of way. The amount of the annual payment is \$5 for each mile or fraction thereof of National Forest land crossed by the line.

No rental will be charged for the telegraph and telephone rights of way, but the applicant must agree to furnish such facilities to forest officers and to permit such reasonable use of its poles or lines as may be determined upon between the applicant and the district forester at time of filing the application.

Stipulation.

Prior to the issuance of the grant and before the construction work will be allowed a stipulation must be signed. In general this stipulation conforms in its terms to the stipulation for transmission line permits under the act of February 15, 1901.

SPECIAL USES.

REGULATIONS.

REG. L-31. All uses of National Forest lands and resources, except those specifically provided for in regulations governing water power, timber sales, timber settlement, the free use of timber, and grazing, will be designated "special use." Permits for special uses, except for the excavation of antiquities under the act of June 8, 1906, and except for the lease of lands under the act of February 28, 1899, may be granted, extended, and renewed by the Forester, the district forester, or the forest supervisor, with such conditions as to area, time, charges, and other requirements as may be provided for by these regulations, or as may be deemed necessary to protect

the National Forests. Permits for the excavation of antiquities and for the lease of lands under the act of February 28, 1899, will be granted and revoked only by the Secretary of Agriculture. Permits for sale of wild hay may be granted by forest officers designated by the forest supervisor. Special-use permits, except for the excavation of antiquities, and except for the lease of lands under the act of February 28, 1899, may be revoked by the Forester or the district forester, after notice to the permittee and an opportunity for answer, and not by the supervisor. Applications for permits for special uses shall be made to the supervisor of the Forest within which the lands or resources are situated. Appeal will lie in the first instance to the district forester, from his decision to the Forester, and from his decision to the Secretary of Agriculture, in all matters covered by these special-use regulations.

REG. L-32. No charge will be made for the following classes of special-use permits:

- (a) Excavation of antiquities under the act of June 8, 1906.
- (b) Agricultural use by applicants having preference rights under the act of June 11, 1906, pending the opening of land to entry.
- (c) Schools, churches, and cemeteries.
- (d) Cabins for use of miners, prospectors, trappers, and stockmen in connection with grazing permits, provided that stockmen's cabins used during the entire year as headquarter ranches will be classified as residences and charged for accordingly, and other permittees for temporary use in connection with other authorized uses.
- (e) Corrals, stock tanks, and drift fences in connection with grazing permits.
- (f) Dipping vats where no toll is charged.
- (g) Inclosures allowed under Regulation L-37.
- (h) Sawmills sawing principally timber obtained from the National Forests.
- (i) Conduits and reservoirs for irrigation, mining, municipal, or domestic water supplies.
- (j) Roads and trails (which must be free public highways).
- (k) Logging railroads and tramways hauling timber obtained principally from the National Forests.
- (l) Telephone lines with free use and free connection by Forest Service.
- (m) Telegraph lines with free use of poles for stringing Forest Service telephone lines.
- (n) Stone, earth, and gravel used for projects constructed under permit, and to bona fide settlers, miners, and prospectors for building purposes by such persons.

REG. L-33. The occupancy and use of National Forest land or resources under a special-use permit, except as provided in Regulation L-32, shall be conditioned upon the payment of a charge, which, unless otherwise authorized by the Secretary of Agriculture, shall be based upon the following rates:

Kinds.	Rates per annum.	Explanation.
Agricultural	\$0.25 to \$3 per acre. Not under \$2 for any permit.	Not over 160 acres to any one permittee. (Free to preferred applicants under act of June 11, 1906.)
Apiaries.....	Minimum \$5, 10 cents per hive for each hive over 50; hives to be counted in March each year.	1 to 3 acres.
Cabins	\$5 to \$10.....	1 acre or less. (See (d), Reg. L-32.)
Dipping vats (toll vats)...	\$10 to \$20.....	2 acres or less.
Gravel	\$0.05 to \$0.10 per cubic yard; not under \$2 for any permit. Special rates on area basis.	Free for projects constructed under permit.
Hay cutting	\$0.20 to \$2 per acre; not under \$2 for any permit.	
Hotels and road houses ..	\$10 to \$200	1 to 10 acres.
Limekilns	\$10	1 acre.
Pastures	\$0.04 to \$0.25 per acre; not under \$2 for any permit.	Not over 320 acres to any one permittee. ¹ (Charge is in addition to regular grazing fee.)
Railroads	Not less than \$5 per mile.	No charge for logging railroads hauling timber obtained principally from the National Forests.
Residences.....	\$5 to \$50.....	1 to 3 acres.
Resorts	\$10 to \$200	Do.
Sawmills, under 20,000 feet per day, sawing principally private timber.	\$10 to \$200	1 to 10 acres. (No charge for mills sawing principally Government timber.)
Sawmills, over 20,000 feet per day, sawing principally private timber.	Special rates.....	
Slaughterhouses	\$10 to \$20.....	1 to 3 acres.
Stage stations.....	\$5 to \$15.....	2 acres or less (without hotel features.)
Stores.....	\$5 to \$50.....	2 acres or less.
Tramways (aerial).....	\$10 to \$50	No charge for tramways conveying timber obtained principally from the National Forests.

¹ The limit of 320 acres for pastures shall be observed in all cases except where the applicant is the owner of more than 200 head of cattle or their equivalent in other stock, in which case an area of 1 acre for each head of stock in excess of 200 may be allowed by the district forester; provided, however, in Arizona and New Mexico 320 acres may be allowed for 100 head of cattle or their equivalent in other stock, and 2 acres may be allowed for each head in excess of 100.

Within the maximum and minimum rates established herein the forest supervisor will determine the rate to be charged in each case.

Rates for special uses not herein provided for shall be determined by the district forester in each case, and such rates shall be consistent with the rates herein established for similar special uses.

Compensation for the use of lands under the act of February 28, 1899, for hotels and dwellings adjacent to mineral and medicinal springs, shall be determined by the Secretary of Agriculture.

In case of abandonment and issuance of new permit any payments made upon the original permit may apply on the new permit, in the discretion of the district forester.

REG. L-34. In serious emergencies for the protection of life or property National Forest material may be taken without previous permit, provided a permit for the material so used and for the special use involved is subsequently secured at the earliest opportunity.

REG. L-35. The forest supervisor may, in his discretion, issue permits to any road district, county, person, or corporation for the free use of earth, gravel, and stone for the construction or maintenance of roads or trails when such roads or trails will be a benefit to the public.

REG. L-36. Wagon roads over National Forest lands may be constructed, changed, widened, or repaired without permit by States or counties, but the authorities constructing such roads must dispose of all inflammable debris resulting from construction as directed by the forest officers. With this exception, permits are necessary for the construction of all wagon roads over such lands. Trails may be constructed without formal permit if done with the consent and under the supervision of a forest officer, except that in the National Forests in Alaska such consent and supervision will not be required. No toll shall be charged for the use of roads or trails over such lands and the same shall be open to free public use at all times unless otherwise specially authorized by the Secretary of Agriculture.

REG. L-37. Persons who own or have leased from the owners unfenced lands within the National Forests may, upon waiving their right to the exclusive use of such private land and allowing it to remain open to other stock grazed on National Forest lands under permit, be permitted without charge to inclose and use not to exceed 320 acres of National

Forest land when such an arrangement will be advantageous to the administration of the National Forest.

The application must be accompanied by a personal certificate of title showing the description and ownership of the land and, if leased from an owner, a copy of the lease, and must describe the National Forest land it is desired to occupy. Permits will be subject to the same restrictions as those issued under other regulations.

How to Apply for Special-Use Permit.

An application for a special-use permit need not be in any prescribed form, but may be made orally or by letter to the supervisor of the Forest or the ranger of the district concerned. A list of National Forests and towns in which supervisors are located appears on page 157.

The forest officer will need to know—

- (1) The kind of use for which a permit is desired.
- (2) The approximate location which the applicant desires to occupy. This may be expressed by forty, section, township, and range, or by description with reference to a road, trail, stream, or well-known landmark. A right of way may be described by giving the location of the terminal points, the direction in which it extends, and, if possible, the subdivisions of survey to be crossed by it.
- (3) The date when the applicant desires to begin occupation or construction.

If the use is one for which a charge is made, the applicant will receive with the permit a form letter of transmittal showing the amount of money due. This letter should be forwarded promptly, with a money order or draft for the sum stated, to the United States depository named in the form.

Bonds.

As a general rule, bonds will not be required in connection with special-use permits.

Because of the danger from fire or from stream pollution, an exception to this rule is made in the case of steam sawmills, and bonds will be required as follows:

Little danger	\$300
Considerable danger.....	500
Great danger	1,000

Tenure of Permits.

There is no law authorizing the lease of National Forest lands for a term of years except the acts of February 28, 1899 (30 Stat., 908), providing for the lease of lands adjoining mineral springs, and the act of March 4, 1915, which authorizes term

permits for recreation uses. (See "Term occupancy permits," p. 136.) Permits to occupy National Forest lands for any purpose not inconsistent with their administration may be issued for an indefinite period, and will remain in force until abandoned or canceled.

Special-use permits issued to applicants in connection with grazing permits allow possession for the whole year, but the privilege of use only during the period covered by the grazing permit.

WATER SUPPLY FOR MUNICIPALITIES.

Cooperative Agreements.

To insure the sufficiency and purity of the water supply of a municipality or of an irrigation district, or to prevent floods and snowslides, the use of watersheds for grazing, timber, special uses, or settlement will be specially restricted by the Secretary when such restriction is necessary (Reg. P-3). Applications for such restrictions should be made to the forest supervisor by city authorities or by petition of associations or interested citizens.

ANCIENT RUINS AND RELICS.

Statutory Provision.

Appropriating, excavating, injuring, or destroying any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the United States, without permit is prohibited by specific act of Congress. (Act of Feb. 28, 1899, 30 Stat., 980.)

Special-use permits for the purpose of examining ruins, excavating archæological sites, or gathering objects of antiquity on National Forest lands may be obtained without charge, but are subject to special rules and regulations.

HOTELS AND DWELLINGS ADJACENT TO MINERAL SPRINGS.

Suitable areas adjacent to mineral, medicinal, or other springs, for the erection thereon of sanitariums, hotels, or temporary dwelling houses, may be leased under the act of February 28, 1899 (30 Stat., 980), for such periods and upon such terms as may be approved by the Secretary of Agriculture. The application need not be in any particular form, but it should describe the land desired to be leased as accurately as practicable and should state the character of the buildings to be constructed thereon and their probable cost. The application should be filed with the forest supervisor of the National Forest concerned. (See also "Term of occupancy permits," p. 136.)

SPECIAL USE ON ADMINISTRATIVE SITES.**Must not Interfere with Administrative Use.**

National Forest lands selected for administrative purposes may be used under special-use permits, as any other National Forest lands, as long as the special use does not prevent or interfere with the administrative use. Prospecting which does not interfere with administrative use should be allowed without formal permit.

ADVERTISING SIGNS.**Unightly Signs not Permitted.**

No permits will be issued for conspicuous or unsightly advertising signs.

ROADS AND TRAILS.

While no permits are necessary for the construction or repair of State or county roads, regulations respecting the disposal of débris must be observed.

CONDUITS AND RESERVOIRS FOR IRRIGATION.**Procedure.**

For small projects the procedure is the same as in other special-use cases. For large projects more accurate and detailed maps may be required, and also prima facie evidence of water appropriation and plans for dams and other structures if the supervisor considers such requirements necessary.

TELEPHONE LINES.**Permits Necessary.**

Permits are necessary for all telephone lines within National Forests. They are issued with the provision for free use and free connection by the Forest Service and no charge is made.

Telephone Lines on County Roads.

Permits are also necessary for all telephone lines along county roads. Congress granted rights of way over the public land for highways. (U. S. Rev. Stat., sec. 2447.) By that grant the lands of the United States were subjected to the servitude of a highway for the benefit of the county. Telephone companies must, of course, secure the consent of the county authorities for the construction of these lines, but the county's title and interest is only that of a right of way while the fee in the land remains in the United States.

TELEGRAPH LINES.**Permits Necessary.**

Permits are necessary for all telegraph lines within National Forests, even along county roads, as in the case of telephone lines and under like conditions.

SPECIAL USES ON CLAIMS.

The owner of an unperfected claim is required to obtain a permit for any use of the land which is not in furtherance of the purposes for which the land was appropriated. No permit will be granted another person to occupy any part of any un-abandoned claim until the consent of the claimant to such use is obtained. In both cases the permit is conditioned on the payment of the charges fixed by Regulation L-33.

PERMITS ON FOREST HOMESTEADS.**Free Permit on Agricultural Land.**

All persons who settled on agricultural lands in National Forests before January 1, 1906, and have not abandoned their claims may, if qualified, perfect title under the Forest homestead act, and in the meantime may occupy and enjoy their holdings without permit. Other applicants under the act who appear to have the preference right of entry under that act may be issued permits without charge for the agricultural use of so much of the land applied for as, in the opinion of the district forester, is chiefly valuable for agriculture, provided that the land is not adversely claimed under settlement made before its withdrawal or after its withdrawal and before January 1, 1906.

Payments to Cease on Application Under Act of June 11, 1906.

When land covered by a paid agricultural permit is applied for by the permittee under the Forest homestead act, and the permittee is entitled to its free use in accordance with the above instructions, the old special-use permit will be changed to a free permit.

DRIFT FENCES.**Permitted if Benefiting Forest Administration.**

Drift or division fences may be allowed under permit when they will facilitate the National Forest administration and will not interfere with the full use of the range by all who are equitably entitled to it.

Free Use of Materials.

Whenever drift fences are needed for the better control of stock grazed under permit, all forest material needed for use in their construction may be furnished from the National Forest free of charge, and in cases where the circumstances justify it the necessary wire and staples may also be furnished if the stockmen using the range are willing to construct such fences with the understanding that they will become the property of the United States.

CORRALS.**Area Permitted.**

Permits for corrals covering an area of not more than 5 acres may be issued without charge when necessary for the proper handling of permitted live stock on a National Forest.

PASTURES.**Area.**

The construction of inclosures may be allowed when necessary for the proper handling of permitted stock. Only such area, not to exceed 320 acres, shall be allowed as is necessary in each individual case. Pasture permits allow exclusive possession during the entire year, but do not convey the right to graze stock within the inclosure, except in connection with and during the period covered by the grazing permit. Stock exempt from fee may be allowed to graze within a pasture during the yearlong period.

Use of Inclosures.

Inclosures are allowed:

(a) To pasture saddle horses, milch or work animals, graded or pure-bred stock, and bulls or rams.

(b) To pasture beef or stock cattle which are being gathered and held just previous to their removal from the Forest and to pasture calves which are being weaned, and for other special purposes.

(c) To give settlers who live upon lands either within or on the border of a National Forest the exclusive use of adjoining pasture lands during the portion of the year when needed for protection against other stock.

A permit to inclose and use not to exceed 320 acres of Forest land without charge may be granted in exchange for a waiver of exclusive use of private lands adjoining National Forest lands when such an arrangement will be advantageous to the administration of a National Forest. (Reg. L-37.)

STOCK TANKS.**Free Permits.**

Permits for the construction of stock-watering tanks may be issued free of charge to grazing permittees, provided that all stock grazed under permit upon the range are allowed access to the water. The inclosure of not more than 40 acres in connection with the watering place may be allowed when necessary for the protection of the range, for which the usual pasture charge is made. The inclosure of existing sources of water supply is not allowed, and permits allowing the improvement

or development of such sources of water supply provide that the water will be left open for the use of all stock grazed upon the range under permit.

GAME PRESERVES AND FISH CULTURE.

No permits will be issued for game preserves or any use of land which would result in preventing or restricting lawful hunting or fishing in National Forests.

Permits for the exclusive use of land for reservoirs for fish culture may be issued if the land applied for does not involve a natural lake or stream which in its natural condition will support fish and does not include a tract of over 40 acres in area nor more than one-quarter mile in length.

TERM OCCUPANCY PERMITS—ACT MARCH 4, 1915.

The act of March 4, 1915, relating to term occupancy permits is as follows:

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.

The following regulation has been approved by the Secretary of Agriculture:

REG. L-38. Term occupancy permits under the act of March 4, 1915, may be granted by the district foresters for periods not in excess of fifteen years to responsible persons or associations desiring to occupy lands in the National Forests for the purpose of constructing thereon summer homes, hotels, stores, or other structures needed for recreation or public convenience when the contemplated improvements do not exceed \$1,000 in value. Other permits under the act will be granted by the Forester.

All permittees will be required to comply with the regulations of the Department of Agriculture relating to the National Forests, and when the permit is for a business enterprise will be required to comply with the State laws and conduct the business in an orderly manner.

A reasonable annual rental fixed by the Forester or district forester will be charged for the use of the land occupied.

A permit may be transferred with the approval of the officer who granted it, or his successor. Hotels and resorts may be sublet with the approval of the district forester.

As to public-service enterprises, such as hotels and resorts, the permittee will be required to conform to such regulations respecting rates and service as the Secretary of Agriculture may make in the interests of the public.

Permits under this act are usually granted subject to the following terms:

(a) That the permittee observe all regulations of the Department of Agriculture relating to the National Forests;

(b) That premises be kept in a neat and orderly condition and that the permittee dispose of refuse and locate outhouses and cesspools as directed by the forest officers, and observe such other sanitary requirements as may at any time appear necessary to protect the public health;

(c) That improvements be constructed within a reasonable time and in accordance with plans and specifications filed with the forest officers, when required, and approved by them;

(d) That all reasonable caution be taken to prevent forest fires;

(e) That where the permit is for a business enterprise the permittee shall comply with the requirements of State laws and shall conduct his business in a legal and orderly manner;

(f) That timber shall be removed only under permit from forest officers;

(g) That a fair annual rental be paid for the use of the land occupied;

(h) That structures may be removed within a reasonable time after the permit is terminated;

(i) That the permit may be transferred with the approval of the officer who granted it, or his successor; that hotels and resorts may be sublet only with the approval of the district forester;

(j) That a right of way be reserved for the free ingress and egress of forest officers and other users of National Forest lands as well as for the removal of products of the Forest;

(k) That on the expiration of the permit the permittee shall be considered the first applicant for a new permit to be granted subject to the conditions under which like permits are then granted;

(l) That as to public-service enterprises, such as hotels or resorts, the permittee may be required to conform to

such regulations respecting rates and service as the department may make, should regulations be necessary in the interests of the public;

(m) That the permittee agree to such special terms as the conditions surrounding any particular case make necessary.

The annual charge for summer homes will be not less than \$10, and may be increased, depending on location and amount of land occupied. The charge for commercial uses will be determined from what private lands in the same locality bring for like uses.

The rates for special-use permits issued for indefinite periods will be as provided in Regulation L-32 and may be as low as \$5 per annum for summer homes.

Applications for term permits must be in writing and filed with the forest supervisor of the Forest affected. No special form is provided, but applications should state the location of the lands desired, the use that will be made thereof, and the approximate cost of the improvements contemplated. If the application is for a hotel or a summer resort it must be accompanied by plans or specifications of the proposed structures and a statement as to their probable cost.

INTERIOR DEPARTMENT RIGHTS OF WAY—EASEMENTS.

Jurisdiction.

The following rights of way, amounting to easements across National Forest lands, are provided for by Congress and are under the jurisdiction of the Secretary of the Interior.

Railroad Grant.

The act of March 3, 1875 (18 Stat., 482), in so far as it is extended over National Forests by the act of March 3, 1899 (30 Stat., 1214), grants rights of way for railroads.

Grant for Irrigation Works.

The act of March 3, 1891 (26 Stat., 1095), as amended by the act of May 11, 1898 (30 Stat., 404), grants rights of way across the public lands and National Forests for irrigation reservoirs and canals.

Grant for Municipal and Mining Purposes.

Section 4 of the act of February 1, 1905 (33 Stat., 628), grants rights of way in National Forests for reservoirs, conduits, and water plants for municipal and mining purposes.

Applications to Local Land Offices.

All applications for rights of way under the foregoing acts must be filed in the proper local land office of the Department of the Interior.

Rights of Way Under Special-Use Permit.

Rights of way can also be obtained from the Department of Agriculture under special-use permit. These can not be transferred and are terminable in the discretion of the Secretary. They usually cost much less, however, for surveys and maps. Particular attention is called to the fact that the acts above mentioned, granting rights of way amounting to easements for railroads, irrigation reservoirs and canals, and reservoirs, canals, and water plants for mining and municipal purposes, do not in any way prevent or interfere with the securing of permits for these purposes from the Department of Agriculture. The issuance of a permit for any of the purposes named will not in any way prevent the permittee from filing a map of location for approval and record by the Secretary of the Interior under the right-of-way acts. The granting of an Interior Department right of way supersedes the permit issued by the Department of Agriculture.

POWER DEVELOPMENT TRANSMISSION TELEGRAPH AND TELEPHONE LINES.

Permits and easements for the use of National Forest land in connection with water-power projects, and rights of way for transmission, telegraph, and telephone lines, are issued by the Secretary of Agriculture under the acts of February 15, 1901, as amended by the act of February 1, 1905, and under the act of March 4, 1911. (See instructions under Water power, p. 123.)

OCCUPANCY TRESPASS.

REG. T-5. The following acts are prohibited:

(A) Squatting upon National Forest land, or making settlement thereon, except in accordance with the act of June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

(B) Constructing or maintaining any kind of works, structure, fence, or inclosure; conducting any kind of business enterprise or carrying on any kind of work on National Forest land without a permit, except as otherwise allowed by law or regulation, and except upon a claim for the actual use, improvement, and development of the claim consistent with the purposes for which it was initiated.

What Constitutes Occupancy Trespass.

The use of the National Forest land without permit for any purpose for which special-use permits are required constitutes occupancy trespass. Traveling, temporary camping, hunting, surveying, or prospecting may be carried on without permit,

and camp wood and forage for stock used in connection with such projects may be taken free of charge.

Since the United States has all the civil rights and remedies for trespass possessed by private individuals, it may bring action to recover damages resulting from trespass or breach of contract.

CLAIMS.

REGULATION.

Relinquishments.

REG. L-41. No forest officer shall request a homestead entryman to relinquish his claim or suggest for any reason whatsoever that such a course is desirable. If any homestead entryman voluntarily offers to relinquish his claim, the forest officer may suggest that the relinquishment be transmitted to the local land office, but shall not encourage this to be done. Forest officers who receive by mail relinquishments from claimants must return the same, with the suggestion in every case that if the entryman desires to relinquish he should send the relinquishment to the local land office. No forest officer shall be a party to a compromise whereby any claims or trespass case is settled by requiring the claimant to relinquish a claim to the United States.

When relinquishments are offered which cover lands needed for administrative purposes, and when it is desired to pay the claimant for improvements thereon, a recommendation, accompanied by the reasons in each specific case, shall be submitted to the Forester, who may authorize the purchase of the improvements upon the filing of the relinquishment in the local land office.

GENERAL INSTRUCTIONS.

Initiation of Claims on National Forest Land.

No claims can be initiated upon lands within National Forests, nor upon lands withdrawn for National Forest purposes, except under the mining laws, the coal-land laws, certain right-of-way laws, and under the act of June 11, 1906 (34 Stat., 233). Claims, however, within a National Forest initiated prior to the withdrawal of the lands, or their inclusion therein, may be perfected and patents obtained by compliance with the law under which such claims were initiated.

Determination of Title to Claims.

The determination of questions involving title to unperfected claims in National Forests is within the jurisdiction of the Secretary of the Interior.

Squatters' Claims on National Forest Land.

A squatter is one who settled upon a tract of unsurveyed public land with the bona fide intent to acquire title thereto under the homestead law upon public survey of the land.

Squatters who settled upon National Forest land before its withdrawal and who have maintained residence thereon, improvements, and cultivation in good faith since settlement, and who are awaiting public survey to make entry, have the same right to occupy and enjoy their holdings as homestead entrymen.

Such a settler must make entry of the land claimed within three months from the filing of the township plat in the local land office for the district within which such land is situated. Failure to do so may forfeit his prior right of entry.

No rights can be initiated in this way upon land which has been withdrawn for or included in a National Forest.

A posted notice of claim to a tract of land is not the basis of title, and where actual residence in pursuance of an intention to remain is relied upon as the basis, failure to maintain it may result in the forfeiture of the claim. Squatters may, at their option, await public survey or apply for the examination of their lands that they may be opened to entry under the act of June 11, 1906 (34 Stat., 233).

Why Claims are Examined.

The administration of the National Forests is a duty imposed upon the Secretary of Agriculture by law. In order properly to discharge that duty, it is necessary that he ascertain the status of all lands within the National Forests. The examination of claims within National Forests by forest officers is therefore made primarily in furtherance of this object. The information thus obtained by the employees of this department is, as a matter of governmental economy, placed at the disposal of the Secretary of the Interior, upon whom rests the responsibility for determining the title to all lands within the National Forests.

It is not the purpose or intent of the department to initiate contests against claimants who have entered lands in the National Forests in good faith to secure a home or for other purposes recognized by law, and in such cases no contest is initiated upon slight, technical noncompliance with the law. It is the purpose and intent, however, to protect the lands of the United States within the National Forests from acquisition by those who do not seek them for purposes recognized by law, and when it is apparent that an entry or a claim is not initiated in good faith and in compliance with the spirit of the law under which it is asserted, but is believed from the facts to be a subterfuge to acquire title to timberland, or to control range

privileges, water, a water-power site, or rights of way; or if it otherwise actively and materially interferes with the essential interests of the National Forest in that locality and is not made or maintained in good faith, a contest will be recommended, even if the technical requirements of the law appear to have been fulfilled. There is no restriction whatever on going on the National Forests for prospecting and locating mining claims. No permit is necessary.

Definition of a Valid Claim.

A valid claim is one initiated in good faith under some act of Congress for the acquisition of title to public lands and continued by use consistent with the character of the claim and necessary for its actual development.

It is a fundamental requisite that all claims be initiated in good faith for the purpose contemplated by the law under which they are held. It is bad faith, for instance, to hold a mining or agricultural claim primarily for the timber thereon or to acquire a site valuable for water-power development. Where the land is held for the timber, for a hotel site, saloon site, or other foreign use, and there has been no compliance with the requirements of the law under which the claim was initiated, it may be considered prejudicial to National Forest interests.

Reports on Claims are Confidential.

All reports on claims made by forest officers are held as confidential, and may be examined only by duly authorized officers and employees of the Government.

Examinations of Mineral Claims.

Prospecting will not be interfered with and mineral locations will not be examined prior to application for mineral patent, except where a report is requested by the Department of the Interior or where locations interfere with the administration of the National Forest. No adverse report will be submitted to the Department of the Interior which has not been made by a mineral examiner. Prospecting may be carried on without obtaining a permit from forest officers.

Free Use of Timber for Development of Mining Claims.

The locator, or subsequent owner, of a mining claim has a right to the use of sufficient timber from his claim for development purposes. This includes the construction of such buildings as may be necessary as an adjunct to such development and the timber for shafts and tunnels, as well as for fuel in connection with such development. Timber, however, may not be cut from one claim to be used on another claim, even if it be of the same group, unless its use tends to develop the claim from which it is cut, as well as the one on which it is used, except under free-use permit. (Regs. S-19 to S-27.)

A mining claimant has no right whatever to cut or remove timber from his claim for sale or for purposes other than the development of the claim, and such removal constitutes trespass (Reg. T-2), except where the removal of the timber reasonably in advance of the mining work is necessary to the development of the claim.

STATE SCHOOL LANDS—EXCHANGE.

In furtherance of the indemnity rights of the several States under the provisions of section 2275 of the Revised Statutes of the United States, as modified by the act of February 28, 1891, cooperative agreements may be, and in several instances have been, entered into between the Department of Agriculture and the State, for the exchange of school lands within the National Forests for solid blocks of land of equal acreage and value along the borders of Forests.

TOWN SITES.

Lands in National Forests embraced in valid town-site settlements, made before the withdrawal of the land and creation of the Forests, may, unless abandoned, be entered and patented under the town-site laws without regard to the period which has elapsed after their settlement or after the establishment of the Forest, and without the necessity of eliminating the town-site area from the Forest.

When it is desired to establish a town site on lands within a National Forest, a petition should be addressed to the district forester. (For addresses, see p. 13.) An investigation will be made under his direction to ascertain if it is necessary and advisable to use such lands for town-site purposes. If approved an Executive order to exclude the lands may be issued to enable the applicants to proceed under the town-site laws and the regulations of the Department of the Interior.

SETTLEMENT.

REGULATIONS.

REG. L-50. Under authority conferred by law the Secretary of Agriculture will examine and ascertain the location and extent of lands within permanent or temporary National Forests which are chiefly valuable for agriculture, and which, in his opinion, can be occupied for agricultural purposes without injury to the National Forests and which are not needed for public purposes, to the end that they may be listed with the Secretary of the Interior for opening to settlement and entry under the homestead laws applicable in the National

Forests. Such lands may be listed either independently or on application.

Applications for Listing.

REG. L-51. Applications under the act of June 11, 1906, must be in writing, must be dated, must give the address of the applicant, and must be signed and certified to by him in the presence of a forest supervisor, acting supervisor, ranger, or assistant ranger, who may when it appears necessary require the applicant to furnish a signed description of the character and location of the land. The application will be returned unless the certificate shows that the applicant has been upon the land applied for and is familiar with its character. Exceptions may be made to this rule when the land applied for has already been examined and classified as agricultural or when it is shown to the satisfaction of the district forester that certification before a forest officer would result in unnecessary hardship or expense. If the tract applied for is covered by a public-land survey, it must be described by reference to subdivisions, section, township, and range within which it is located. If the tract is not covered by a public-land survey, it must be described by reference to natural objects, streams, or improvements with sufficient accuracy to identify it. Applications must be filed with the district forester of the district in which the tract applied for is situated. An application which is not in the form prescribed above will be returned to the applicant for completion. Priority of application will be determined by the order in which complete applications are filed with the district forester in the form prescribed herein.

REG. L-52. The Secretary of Agriculture will not pass upon the qualifications under the homestead laws of applicants for the examination and listing of lands under the act of June 11, 1906, but reserves the right to refuse to examine and list for applicants who are clearly not qualified to make entry under the homestead law.

REG. L-53. The rejection by the district forester of an application under the act of June 11, 1906, in the first instance or after a review of the case by him, shall be final unless the applicant shall, within 30 days after receipt of the district forester's decision (in which will be stated the grounds for such rejection), file with the district forester a petition for review of such decision by the Forester.

Every petition for review shall state definitely in writing the grounds in the record upon which it is based and may be accompanied by such argument as the petitioner desires to submit. If the Forester affirms the action of the district

forester, the records and papers in the case will be sent to the Secretary of Agriculture for his action, whose action will become final and the case closed.

If any purported appeal or petition for review is received by the Forester or the Secretary which recites or alleges new matter not in the record when before the district forester and apparently sufficient to affect the judgment in the case, it will be forwarded to the district forester for his consideration. If upon the reconsideration of the case in the light of the new matter the district forester changes his action and decides to list a portion of the land, the case will take its regular course; but if the district forester's conclusion is still to refuse listing, the records and papers in the case will be returned to the Forester for consideration of the appeal or petition.

Where an application is returned by the district forester by reason of the status of the land showing that the Forest Service has no jurisdiction of the area applied for, or where the land has been regularly segregated and classified as non-agricultural or not listable under the provisions of the act of August 10, 1912, no application for reconsideration will be entertained.

REG. L-54. All applications by Indians for allotments of lands within the National Forests under section 31 of the act of June 25, 1910 (36 Stat., 853), which are submitted to the Secretary of Agriculture, in order that he may determine whether the land applied for is more valuable for agriculture or grazing than for the timber found thereon, must be made in the form prescribed by the regulations of the Secretary of the Interior governing Indian allotments on National Forests.

REG. L-55. Either of the following acts or conditions will constitute abandonment of an application:

1. Failure of the applicant to answer within 60 days written inquiry from the examiner, supervisor, or district office, addressed to the applicant's last address of record, answer to which is necessary to a proper disposal of the case.

2. Failure of the applicant to request reconsideration or to appeal within 30 days or within such longer time as may be specified by the district forester in his letter to the applicant, at his last known address of record, proffering to list a part of the land applied for, with explanation as to why the remainder of the area can not be listed.

3. Entry by the applicant under some law requiring residence on land not contiguous to that applied for.

REG. L-56. An application for land embraced in a subsisting unperfected entry will be returned to the applicant with-

out recording unless it sets forth the fact that the applicant has initiated a contest against the entry and who, but for the fact of the land being within a National Forest, would succeed to the rights granted by section 2 of the act of May 14, 1880 (21 Stat., 140), as amended by the act of July 26, 1892 (27 Stat., 270), in which case a notation will be made upon the record of the receipt of such application and of the pending contest. The application will then be returned to the applicant with the statement that if the contest results in cancellation of the entry the application may be reinstated as of the date of final conclusion of the contest if filed within 30 days succeeding the period in which the contestee has right of appeal. Such application will, however, confer no right upon the applicant unless the land is finally listed or eliminated from the Forest.

REG. L-57. In the event of the death of an applicant not a settler under the act of June 11, 1906 (34 Stat., 233)—

1. If the land has not been examined, the application will lapse and the case will be closed.

2. If the land has been examined and found listable, it will be listed without naming any person in the listing letter, unless the deceased applicant under a special-use permit had in good faith made substantial improvements on the land, in which case the widow, if there be one, and, if not, such qualified member of his family as may be designated by all the heirs at law of the deceased applicant, may be named in the listing letter as the one to whom the land is listed.

GENERAL INSTRUCTIONS.

Purposes of the National Forest Homestead Act.

The act of June 11, 1906 (34 Stat., 233), known as the National Forest homestead act, provides for the acquisition by qualified entrymen of agricultural lands within National Forests not needed for public use. This act is in effect an extension of the general provisions of the homestead laws to agricultural lands within National Forests, with the essential difference that the land must be classified by the Secretary of Agriculture as chiefly valuable for agriculture, and that no commutation is allowed.

With certain modifications, the benefits of this act are extended to Indians by the act of June 25, 1910 (36 Stat., 863).

Settlement Before Opening is Trespass.

No settlement rights can be acquired to lands within National Forests after the creation of the Forest except upon lands which have been opened to entry under the act of June 11, 1906.

Classification of Agricultural Lands.

National Forest lands are being classified as rapidly as possible to segregate those chiefly valuable for agriculture and make them available to home seekers. Wherever considerable areas of such land are found they are either eliminated from the Forest or are listed with the Secretary of the Interior, to be opened to entry under the Forest homestead act. All areas of sufficient acreage to afford an ordinary family a living through the practice of agriculture are so disposed of. Agricultural lands which now remain in the National Forests generally occur as scattered tracts along streams, the bottoms of ravines and swales, and on narrow benches and on the base of slopes. These areas when applied for are given preference in the classification work, and are examined as expeditiously as possible. If found chiefly valuable for agriculture and not needed for public purposes, they are listed with the Secretary of the Interior, to be opened to entry.

Listing Policy.

Lands within National Forests will be put to their best use. Those which are more valuable for agriculture than for forest purposes or for public use will be opened for entry and agricultural development. Timberlands or other national resources valuable for speculative purposes are not subject to the Forest homestead act.

Any contests between mineral claimants and applicants for entry involving lands which have been listed under this act will be decided by the Secretary of the Interior.

Applications.

Applications under the Forest homestead act should be addressed to and filed with the district forester, and when received by other officers will be immediately referred to the district forester. Forest supervisors and district rangers keep on hand a supply of application blanks, Form 253, which will be furnished to prospective applicants upon request. (For addresses see p. 157.)

Applications will receive prompt consideration, and examination of the lands will follow as soon as weather conditions and the available force permit; but where applications are not in the form prescribed by Regulations L-51, or where the lands applied for can not be identified or are not subject to the provisions of the Forest homestead law, they will not be accepted or recorded, but will be returned to the applicants.

Professional Locators will be Disregarded.

The regularly appointed officers of the Forest Service are its only agents, and no special attention is given to applications submitted through professional locators or third parties.

Applicant to Accompany Examiner.

Whenever possible it is best for the applicant to see the examiner and discuss with him any facts which tend to establish the value of the land for forest or for agricultural purposes, and accompany him during the survey and examination. Since final action can be taken only by the Secretary of Agriculture, the examiner will not give the applicant any information regarding his recommendations. When the application covers unsurveyed land, and the description is somewhat indefinite, it is particularly desirable to have the applicant present when the survey and examination are made, in order that the examiner may be certain that he is examining the land for which the applicant intended to apply. When the applicant is present at the time of examination, and learns, upon the survey being made, that he has not described in his application the land for which he intended to apply, he may make an amended application, which must be addressed to and filed with the district forester, and a copy may be at once given to the examiner, who will then, without waiting for further instructions, examine and report upon the lands covered by the amended application.

Survey and Notices on Unsurveyed Land Before Patent.

The law as modified by the act of June 6, 1912, known as the three-year homestead act, now provides 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 three 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 under the direction of the United States Surveyor General, showing the boundaries of such lands, which shall be 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 the law for the publication of his notice of intention to offer proof; and that a copy of such plat and field notes shall be posted in the local land office for a like period.

Survey Without Expense to Entryman.

Authority is now vested in the Secretary of Agriculture to incur expense for the final entry survey of lands described by metes and bounds and cause such surveys to be made by forest officers under instructions issued by the surveyor general of the State wherein the land is situated. Such surveys and the plats thereof will be made without expense to the entryman. Application for survey should be made by letter to the supervisor of the Forest in which the homestead is located or to the district forester of the district.

Free Use of Lands Recommended for Listing.

See "Permits on Forest Homesteads," page 134.

Additional Homestead Rights Given to Actual Settlers Prior to January 1, 1906.

The act also gives an additional homestead right of entry upon lands which have been listed as chiefly valuable for agriculture, to settlers upon such lands on January 1, 1906, who have already exercised or lost their homestead rights, but who are otherwise competent to enter under the homestead laws. Such entrymen must comply with the provisions of the homestead law and must in addition pay \$2.50 per acre for the lands entered.

Squatters' Special Privileges.

Squatters who settled upon unsurveyed land before its withdrawal for a National Forest and who have complied with the general homestead law have the same right to occupy and use their holdings as homestead entrymen, and may, at their option, await survey or apply for the examination of their lands under the act of June 11, 1906. Squatters who settled on unsurveyed National Forest land after its withdrawal but prior to January 1, 1906, may apply for the examination of their lands under this act; but application for listing must be made within 30 days after notification by the Forest Service. Upon the acceptance of their applications for listing, squatters who settled on unsurveyed National Forest land prior to January 1, 1906, may occupy their tracts without permit pending the opening of the land to entry under this act. Squatters may, under the general homestead law, include in their claims 160 acres after the land is surveyed. Therefore if the land is occupied for agricultural purposes by squatters who settled upon it prior to its withdrawal, the examination will be made with a view to listing the entire tract settled upon, if not exceeding 160 acres, provided the whole tract as a farm unit is chiefly valuable for agriculture.

Opening Agricultural Lands to Entry.

Agricultural lands when listed by the Secretary of Agriculture are opened by the Secretary of the Interior to homestead entry, in tracts not exceeding 160 acres in area and not exceeding 1 mile in length, at the expiration of 60 days from the posting of the list in the local land office. Notice of the posting is sent to the person upon whose application the tract was listed, which notice is posted in the local land office and is published for a period of not less than four weeks in a local newspaper.

Preference Rights of Settlement and Entry.

It is provided that the person upon whose application land is listed, if a qualified entryman, shall have a preference right of entry, unless there was a bona fide settler on the land prior to January 1, 1906, who has not abandoned the same, in which event the settler, if a qualified entryman, shall have the preference right. To exercise this preference right, application to enter must be filed in the local land office or other designated place within 60 days after the posting of the list in the land office.

Filing on Tracts Listed and Opened to Entry Under the Act of June 11, 1906.

Persons having preference rights under the act of June 11, 1906, may file their applications to enter at any time within 60 days prior to the advertised date of restoration to entry in the local land office. If, when the land is open to entry, the applicant having a preference right has failed to file his entry, it will be subject to entry by the first qualified person to make application. Except as expressly limited in the act, title to the land may then be acquired under the same conditions as are prescribed by the general homestead laws for public land outside the National Forests.

Three-Year Residence Sufficient.

Final proof of an entry under this act may be made in accordance with the provisions of the three-year homestead entry law.

Credit for Residence Under Special Permit.

Under the existing land decisions a settler under the act of June 11, 1906, when making final proof, is given credit for residence under special use permit, prior to the date of filing upon the land.

ADMINISTRATIVE SITES.

PROCEDURE.

Selection.

To insure the efficient administration, protection, and use of the National Forests areas should be selected for rangers' headquarters, pastures, corrals, planting or nursery sites, logging and banking grounds, sawmill sites, lambing, round-up, and rest grounds, camp sites, etc. If suitable sites for administrative purposes can not be found within the Forest, vacant and unappropriated public land outside may be recommended for withdrawal under the act of June 25, 1910 (36 Stat., 847).

In the selection of sites it is necessary not only to consider tracts required for immediate use, but also to anticipate the demands of the future, in order to take care of the rapidly increasing business upon the National Forests.

PART VI.—COOPERATION, FOREST PRODUCTS, DIFFUSION OF INFORMATION, ETC.

COOPERATION.

Policy.

It is the policy of the Forest Service to cooperate, as far as its resources, the urgency of its regular duties, and the statutory limitations upon its activities will permit, with Federal and State agencies and private owners in the protection of timberlands from fire, the conservative management of forests, the forestation of areas adapted to tree growth, timber utilization, timber inspection, market specifications, and the like.

Reimbursement of Costs.

Such cooperation varies greatly in scope and character and has no fixed procedure. As a general principle any work done for the benefit of cooperators will be conditioned upon reimbursement of the actual cost to the Service for both salaries and field expenses by the agencies or persons benefited. Partial reimbursement may be accepted in projects of exceptional public importance or from which scientific data of special value to the Service will be obtained, or as specifically provided in the following instructions. It will also be desirable in many cases to temporarily transfer or loan members of the Service, by furlough from active duty, to cooperators who will pay their salary and field expenses while engaged upon the work in question.

Fire Protection Under the Weeks Law.

The policy governing cooperative fire protection under the Weeks law is described and the form of agreement set forth in Circular 205 (first revision) and in the unnumbered circular, "Forest Fire Protection by the States." Proposed or recommended cooperation under this law should be taken up with the Forester.

PROCEDURE IN PRIVATE COOPERATION.

One of the principal means of assisting private owners is in the distribution of publications on forestry. When information contained in publications will not meet the exact needs of an owner the Forest Service endeavors to give him specific advice by correspondence.

In a limited number of cases the Forest Service is prepared to supply owners with detailed advice regarding the practice of forestry based upon examinations of their tracts.

Applicants whom the Service can not help directly are supplied with a list of private or consulting foresters, and, if their State has a forester, with his name and address.

Owners who desire to obtain planting stock, either seeds or young trees, with which to reforest waste lands or establish farm wood lots or windbreaks, are supplied with lists of dealers in such stock.

The Forest Service can not assist owners in:

- (1) Preparation of detailed estimates of standing timber and working plans for large commercial timber holdings.
- (2) Preparation of scientific data or furnishing expert advice of any kind for use in litigation.
- (3) Supervision of cutting or planting operations.
- (4) Furnishing seed or planting stock, with the exception of residents in the Kinkaid district, Nebraska.
- (5) The care of ornamental trees or groves, or the management of forests where the owner is chiefly interested in the landscape feature rather than in the practice of forestry for wood production.
- (6) Procuring or disposing of stumpage in connection with large commercial operations, except National Forest stumpage.

Those who desire technical advice or assistance from the Forest Service should make application to the Forester at Washington, D. C., or to the nearest district forester, stating the kind of assistance desired.

FOREST PRODUCTS.

FIELD OF WORK.

Purpose.

The purpose of this branch of the Forest Service is to promote the most profitable and economical utilization of forest products, for the benefit of timber owners and manufacturers throughout the United States, and to aid in the administration of the National Forests. Preference will be given to investigations related directly to improved utilization and current business on the National Forests.

FOREST PRODUCTS LABORATORY.

The Forest Service maintains at Madison, Wis., a laboratory at which are conducted physical, mechanical, and chemical investigations of the properties of wood and other Forest products. Statistical studies are also made relating to the production, value, and uses of various woods. The aim is to promote the economical production and use of all forest products.

Cooperation With Companies, Organizations, and Individuals.

The cooperation of the wood-using interests most directly concerned with the solution of the problems is sought.

The exact terms of cooperation and desirability of undertaking such cooperation will be determined for each specific case in accordance with the following general policy:

(1) Whenever practicable those especially interested in the investigation to be undertaken will furnish all or part of the material necessary for the work.

(2) Investigations of patented or proprietary processes, materials, or articles will be undertaken only when the results of the investigations are needed by the Service or will be of general public benefit.

(3) The design, construction, and operation of commercial plants in wood preservation, wood distillation, kiln-drying, or similar work may be undertaken, provided the plant is to be used, at least for a time, for experimental work for the purpose of gaining information of which the Service is in need. If the Service would gain no new information from the operation of such a plant its design, construction, and operation will not be undertaken, but all available information, including the designs and specifications for standard plants which may have been prepared, will be made accessible to the inquirer. In such cases the Service may also refer applicants to consulting engineers, and may indicate what should be the approximate cost of the plans and specifications desired, and when requested to do so may inspect such plans when prepared, and even at times detail a representative to demonstrate at the plant improved methods of operation.

(4) The Service may, on request, make examinations of the methods of individuals, companies, or corporations in handling forest products, and prepare plans for the improvement of such methods, provided that the purpose of such work is primarily to reduce the waste in handling and utilizing forest products and to obtain information that will be generally useful in the industry concerned. If no new information is likely to be obtained, the applicant will be referred to a consulting expert.

(5) In cases of active cooperation, such as outlined in the two foregoing paragraphs, the Service will require payment of the estimated total cost, including supervision, but such cost will be reduced by the extent to which the work is experimental.

(6) In all work undertaken in cooperation with any company, organization, or individual the right to the first publication of the results will usually be reserved by the Forest Service.

PUBLICATIONS.

All of the scientific and investigative work done by the Forest Service which results in conclusions of value to the scientific world at large, the owner of timberland, the professional forester, or the woodworking and allied industries is recorded in

bulletins and circulars. Publications of the Forest Service available for free distribution may be obtained by addressing the Forester, Forest Service, Washington, D. C.

Publications the supply of which for free distribution is exhausted may be purchased from the superintendent of documents, Government Printing Office, Washington, D. C., who will furnish free a list of such publications and their prices.

MAPS.

Special maps are issued for the use of forest officers or as special publications for the dissemination of information which can be best expressed graphically. Such maps are not for general distribution, although some are sold, and they may even be given away under certain circumstances. A general map of a National Forest may be given to a user when it is necessary or convenient to show thereon the lands covered by a transaction.

General maps of the United States showing the National Forests and related projects and data, unmounted, are sold by the superintendent of documents, Washington, D. C., at 50 cents each. A limited number of copies are retained in the Forest Service and furnished in some cases to State officers, State institutions, and libraries, where they will be accessible to the general public.

General continental or regional maps showing natural forest areas or the distribution of tree species are furnished to State institutions and to some first-class libraries. When more than one copy of a general map is requested, a charge will be made for each extra copy.

PHOTOGRAPHS.

The Forest Service has a large collection of photographs showing forest conditions in all parts of the United States.

The act of March 4, 1907, authorizes the disposal of photographic prints, including bromide enlargements, lantern slides, transparencies, blue prints, and forest maps for educational purposes at cost and 10 per cent additional.

Photographic material is also prepared for outside distribution for the following purposes only:

(a) To cooperators and others from whom aid has been received or by whom courtesies have been extended in furtherance of official work.

(b) For use in illustrating material to be published in newspapers or other periodicals.

(c) For use in book illustrations.

(d) For use in educational work—by lecturers and schools and for exhibit purposes.

The object in every case is to promote the work of the Forest Service or to diffuse information concerning forestry. As a rule, gifts are restricted to cooperators or persons who have extended aid or courtesies in furtherance of official work; but when a valuable educational result can be attained only if material can be furnished free gifts may be made.

When photographic material is to be sold it will be according to the following schedule of prices:

Photographic Prints.

Size, each.	Un-mounted.	Mounted.
4 by 5.....	\$0.06	\$0.08
4½ by 6½.....	.07	.09
5 by 7.....	.08	.10
6½ by 8½.....	.11	.14
8 by 10.....	.17	.20

Solar Bromide Maps.

Size of maps, each.	Un-mounted.	Mounted on muslin.
11 by 14.....	\$0.14	\$0.20
14 by 17.....	.17	.25
20 by 24.....	.21	.34
28 by 34.....	.39	.58

Lantern slides, each.....	\$0.35
Bromide enlargements, per square inch.....	.003
Bromide enlargements (sepia), per square inch.....	.004
Transparencies, per square inch.....	.015
Blue prints, per square foot.....	.04
Vandyke prints, per square foot.....	.08

Hand coloring will be done on lantern slides at 65 cents each, on bromides at 1 cent per square inch, and on transparencies at 2 cents per square inch.

EDUCATIONAL MATERIAL FOR SCHOOLS AND LIBRARIES.

Certain publications and maps suitable for use in schools may be obtained free on application to the Forester, or can be purchased in quantities from the superintendent of documents, Washington, D. C. A list of such material will be furnished upon request.

Traveling exhibits of 44 mounted photographs each, illustrating the subjects of forestry, the work of the Forest Service,

etc., may be borrowed for short periods of time without cost, except for transportation, by schools, libraries, and other educational institutions.

LANTERN SLIDES.

Sets of lantern slides on forestry, the work of the Forest Service, and related subjects are loaned free for short periods of time, on condition that the borrowers pay for transportation and assume responsibility for loss or breakage. Outlines of subjects covered by these sets will be furnished by the Forester on request.

NATIONAL MONUMENTS.

The following national monuments situated within National Forests have been created under the act of June 8, 1906 (34 Stat., 225), for the preservation of objects of historic or scientific interest:

Name.	National Forest.	State.
Cinder Cone.....	Lassen.....	California.
Devil Post Pile.....	Sierra.....	Do.
Gila Cliff Dwellings.....	Gila.....	New Mexico.
Grand Canyon.....	{Tusayan.....	}Arizona.
	{Kaibab.....	
Jewel Cave.....	Black Hills.....	South Dakota.
Lassen Peak.....	Lassen.....	California.
Oregon Caves.....	Siskiyou.....	Oregon.
Tonto.....	Tonto.....	Arizona.
Wheeler.....	{Cochetopa.....	}Colorado.
	{Rio Grande.....	
Mount Olympus.....	Olympic.....	Washington.

NATIONAL GAME PRESERVES.

The following national game preserves situated wholly or in part within National Forests have been designated under special acts of Congress for the protection of wild animals:

Name.	National Forest.	State.	Act approved.
Grand Canyon.	{Tusayan.....	}Arizona.....	June 29, 1906 (34 Stat., 607).
	{Kaibab.....		
Wichita.....	Wichita.....	Oklahoma.....	Jan. 24, 1905 (33 Stat., 614).

NATIONAL FORESTS—HEADQUARTERS OF SUPERVISORS.

State.	National Forest District No.	Forest.	Headquarters of supervisor.	
Arizona.....	3	Apache.....	Springerville.	
	3	Chiricahua.....	Portal.	
	3	Coconino.....	Flagstaff.	
	3	Coronado.....	Tucson.	
	3	Crook.....	Safford.	
	4	Dixie.....	St. George, Utah.	
	3	Manzano.....	Albuquerque, N. Mex.	
	4	Kaibab.....	Kanab, Utah.	
	3	Prescott.....	Prescott.	
	3	Sitgreaves.....	Snowflake.	
	3	Tonto.....	Roosevelt.	
	3	Tusayan.....	Williams.	
	Arkansas.....	7	Arkansas.....	Hot Springs.
		7	Ozark.....	Harrison.
California.....	5	Angeles.....	Los Angeles.	
	5	California.....	Willows.	
	5	Cleveland.....	Escondido.	
	6	Crater.....	Medford, Oreg.	
	5	Eldorado.....	Placerville.	
	5	Inyo.....	Bishop.	
	5	Klamath.....	Yreka.	
	5	Lassen.....	Red Bluff.	
	5	Modoc.....	Alturas.	
	5	Mono.....	Gardnerville, Nev.	
	5	Monterey.....	Big Sur.	
	5	Plumas.....	Quincy.	
	5	Santa Barbara....	Santa Barbara.	
	5	Sequoia.....	Hot Springs.	
	5	Shasta.....	Sisson.	
	5	Sierra.....	Northfork.	
	6	Siskiyou.....	Grants Pass, Oreg.	
	5	Stanislaus.....	Sonora.	
	5	Tahoe.....	Nevada City.	
	5	Trinity.....	Weaverville.	
Colorado.....	2	Arapaho.....	Hot Sulphur Springs.	
	2	Battlement.....	Collbran.	
	2	Cochetopa.....	Saguache.	
	2	Colorado.....	Fort Collins.	
	2	Durango.....	Durango.	
	2	Gunnison....	Gunnison.	
	2	Hayden.....	Encampment, Wyo.	
	2	Holy Cross.....	Glenwood Springs.	
	4	La Sal.....	Moab, Utah.	
	2	Leadville.....	Leadville.	
	2	Montezuma.....	Mancos.	
	2	Pike.....	Denver.	
	2	Rio Grande.....	Monte Vista.	
	2	Routt.....	Steamboat Springs.	
	2	San Isabel.....	Westcliffe.	
	2	San Juan.....	Pagosa Springs.	
	2	Sopris.....	Aspen.	
2	Uncompahgre.....	Delta.		
2	White River.....	Meeker.		

NATIONAL FORESTS—HEADQUARTERS OF SUPERVISORS—Continued.

State.	National Forest District No.	Forest.	Headquarters of supervisor.
Florida	7	Florida	Pensacola.
Idaho	4	Boise	Boise.
	4	Cache	Logan, U ⁺ ah.
	4	Caribou	Montpelier.
	4	Challis	Challis.
	1	Clearwater	Orofino.
	1	Coeur d'Alene	Coeur d'Alene.
	4	Idaho	McCall.
	1	Kaniksu	Newport, Wash.
	4	Lemhi	Mackay.
	4	Minidoka	Oakley.
	1	Nezperce	Grangeville.
	4	Palisade	St. Anthony.
	4	Payette	Emmett.
	1	Pend Oreille	Sandpoint.
	1	St. Joe	St. Maries.
	4	Salmon	Salmon.
	4	Sawtooth	Hailey.
	1	Selway	Kooskia.
	4	Targhee	St. Anthony.
	4	Weiser	Weiser.
Kansas	2	Kansas	Garden City.
Michigan	2	Michigan	East Tawas.
Minnesota	2	Minnesota	Cass Lake.
	2	Superior	Ely.
Montana	1	Absaroka	Livingston.
	1	Beartooth	Billings.
	1	Beaverhead	Dillon.
	1	Bitterroot	Missoula.
	1	Blackfeet	Kalispell.
	1	Cabinet	Thompson Falls.
	1	Custer	Miles City.
	1	Deerlodge	Anaconda.
	1	Flathead	Kalispell.
	1	Gallatin	Bozeman.
	1	Helena	Helena.
	1	Jefferson	Great Falls.
	1	Kootenai	Libby.
	1	Lewis and Clark ..	Chouteau.
	1	Lolo	Missoula.
	1	Madison	Sheridan.
	1	Missoula	Missoula.
	1	Sioux	Camp Crook, S. Dak.
Nebraska	2	Nebraska	Halsey.
Nevada	5	Eldorado	Placerville, Cal.
	4	Humboldt	Gold Creek.
	5	Inyo	Bishop, Cal.
	5	Mono	Gardnerville.
	4	Nevada	Ely.
	4	Ruby	Deeth.
	4	Santa Rosa	Paradise.
	5	Tahoe	Nevada City, Cal.
	4	Toiyabe	Austin.

NATIONAL FORESTS—HEADQUARTERS OF SUPERVISORS—Continued.

State.	National Forest District No.	Forest.	Headquarters of supervisor.
New Mexico.....	3	Alamo.....	Alamogordo.
	3	Carson.....	Taos.
	3	Chiricahua.....	Portal, Ariz.
	3	Datil.....	Magdalena.
	3	Gila.....	Silver City.
	3	Lincoln.....	Capitan.
	3	Manzano.....	Albuquerque.
	3	Santa Fe.....	Santa Fe.
North Dakota.....	1	Dakota.....	Camp Crook, S. Dak.
Oklahoma.....	7	Wichita.....	Cache.
Oregon.....	6	Cascade.....	Eugene.
	6	Crater.....	Medford.
	6	Deschutes.....	Bend.
	6	Fremont.....	Lakeview.
	5	Klamath.....	Yreka, Cal.
	6	Malheur.....	John Day.
	6	Minam.....	Wallowa.
	6	Ochoco.....	Prineville.
	6	Oregon.....	Portland.
	6	Santiam.....	Albany.
	6	Siskiyou.....	Grants Pass.
	6	Siuslaw.....	Eugene.
	6	Umatilla.....	Pendleton.
	6	Umpqua.....	Roseburg.
	6	Wallowa.....	Wallowa.
	South Dakota.....	6	Wenaha.....
2		Whitman.....	Sumpter.
2		Black Hills.....	Deadwood.
2		Harney.....	Custer.
Utah.....	1	Sioux.....	Camp Crook.
	4	Ashley.....	Vernal.
	4	Cache.....	Logan.
	4	Dixie.....	St. George.
	4	Fillmore.....	Richfield.
	4	Fishlake.....	Salina.
	4	La Sal.....	Moab.
	4	Manti.....	Ephraim.
	4	Minidoka.....	Oakley, Idaho.
	4	Powell.....	Escalante.
	4	Sevier.....	Panguitch.
	4	Uinta.....	Provo.
	4	Wasatch.....	Salt Lake City.
Washington.....	6	Chelan.....	Chelan.
	6	Columbia.....	Portland, Oreg.
	6	Colville.....	Republic.
	1	Kaniksu.....	Newport.
	6	Okanogan.....	Okanogan.
	6	Olympic.....	Olympia.
	6	Rainier.....	Tacoma.
	6	Snoqualmie.....	Seattle.
	6	Washington.....	Bellingham.
6	Wenaha.....	Walla Walla.	
6	Wenatchee.....	Leavenworth.	

NATIONAL FORESTS—HEADQUARTERS OF SUPERVISORS—Continued.

State.	National Forest District No.	Forest.	Headquarters of supervisor.
Wyoming.....	4	Ashley.....	Vernal, Utah.
	2	Bighorn.....	Sheridan.
	2	Bonneville.....	Lander.
	2	Bridger.....	Pinedale.
	4	Caribou.....	Montpelier, Idaho.
	2	Hayden.....	Encampment.
	2	Medicine Bow.....	Laramie.
	4	Palisade.....	St. Anthony, Idaho.
	2	Shoshone.....	Cody.
	4	Targhee.....	St. Anthony, Idaho.
	4	Teton.....	Jackson.
	2	Washakie.....	Lander.
	4	Wyoming.....	Afton.
Alaska.....	6	Chugach.....	Ketchikan.
	6	Tongass.....	Do.
Porto Rico.....	7	Luquillo.....	

LANDS ACQUIRED UNDER WEEKS LAW.

State and area.	Headquarters.	State and area.	Headquarters.
Georgia:		Tennessee—Contd.	
Georgia area.....	Blue Ridge.	Smoky Mountain..	Townsend.
Savannah(South)..	Clayton.	Unaka.....	Johnson City.
New Hampshire:		White Top (part)..	Abingdon, Va.
White Mountain..	Gorham.	Virginia:	
North Carolina:		Massanutten.....	Woodstock.
Mount Mitchell ...	Marion.	Natural Bridge ..	Buena Vista.
Nantahala.....	Andrews.	Potomac (part) ..	Woodstock.
Pisgah	Asheville.	Shenandoah(part)	Harrisonburg.
Savannah(North)..	Highlands.	White Top (part)..	Abingdon.
South Carolina:		West Virginia:	
Savannah(South)..	Clayton, Ga.	Monongahela.....	Elkins.
Tennessee:		Potomac (part) ..	Woodstock, Va.
Cherokee	Etowah.	Shenandoah(part)	Harrisonburg, Va.

