

Act of Congress approved June 9, 1916, chapter 137, section 10, Thirty-ninth Statutes, page 222, and be disposed of in the manner therein designated, the land added forming part of the area which vested in the United States under the provisions of the said Act.

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

#### REFERENCES IN TEXT

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

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

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

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

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

#### REFERENCES IN TEXT

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

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

#### § 488. Establishment of exterior boundaries of national forests

On and after Mar. 3, 1899, all standard, meander, township, and section lines of the public-land surveys shall be established under the direction and supervision of the Secretary of the Interior or such officer as he may designate, whether the lands to be surveyed are within or without national forests, except that where the exterior boundaries of national forests are required to be coincident with standard, township, or section lines, such boundaries may, if not previously established in the ordinary course of the public-land surveys, be established and marked under the supervision of the Director of the United States Geological Survey whenever necessary to complete the survey of such exterior boundaries.

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

#### CODIFICATION

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

#### CHANGE OF NAME

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

#### TRANSFER OF FUNCTIONS

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

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

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

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

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

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

#### AMENDMENTS

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

#### § 491. Omitted

#### CODIFICATION

Section, act May 11, 1926, ch. 286, 44 Stat. 512, which authorized Secretary of Agriculture to permit exportation of timber and other products from State or Territory when cut or removed from national forests situated therein, was from Department of Agriculture Appropriation Act, 1927, and was not repeated in subsequent appropriations. See section 616 of this title. Similar provisions were contained in the following prior appropriation acts:

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

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

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

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

CODIFICATION

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

AMENDMENTS

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

CHANGE OF NAME

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

**§ 493. Omitted**

CODIFICATION

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

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

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

**§ 494. Calaveras Bigtree National Forest**

The Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as Sequoia washingtoniana, is empowered, in his discretion, to obtain for the United States the complete title to any or all of the fol-

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

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

CODIFICATION

A proviso of the section as originally enacted "That nothing contained in this Act shall warrant an appropriation from the Treasury to carry out the terms of this Act," was superseded by the appropriation of a sum for the purposes of the Act by section 2 of act May 7, 1912.

AMENDMENTS

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

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

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