

(40 Stat. 1179), as amended, such portions of the re-vested Oregon and California Railroad and re-conveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, shall be managed, except as provided in section 1181c<sup>1</sup> of this title, for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal<sup>2</sup> of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities:<sup>3</sup> *Provided*, That nothing in this section shall be construed to interfere with the use and development of power sites as may be authorized by law.

The annual productive capacity for such lands shall be determined and declared as promptly as possible after August 28, 1937, but until such determination and declaration are made the average annual cut therefrom shall not exceed one-half billion feet board measure: *Provided*, That timber from said lands in an amount not less than one-half billion feet board measure, or not less than the annual sustained yield capacity when the same has been determined and declared, shall be sold annually, or so much thereof as can be sold at reasonable prices on a normal market.

If the Secretary of the Interior determines that such action will facilitate sustained-yield management, he may subdivide such re-vested lands into sustained-yield forest units, the boundary lines of which shall be so established that a forest unit will provide, insofar as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region; but until such subdivision is made the land shall be treated as a single unit in applying the principle of sustained yield: *Provided*, That before the boundary lines of such forest units are established, the Department, after published notice thereof, shall hold a hearing thereon in the vicinity of such lands open to the attendance of State and local officers, representatives of dependent industries, residents, and other persons interested in the use of such lands. Due consideration shall be given to established lumbering operations in subdividing such lands when necessary to protect the economic stability of dependent communities. Timber sales from a forest unit shall be limited to the productive capacity of such unit and the Secretary is authorized, in his discretion, to reject any bids which may interfere with the sustained-yield management plan of any unit.

(Aug. 28, 1937, ch. 876, title I, § 1, 50 Stat. 874.)

#### REFERENCES IN TEXT

Section 1181c of this title, referred to in first par., was repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787.

Acts of June 9, 1916, and February 26, 1919, referred to in text, are acts June 9, 1916, ch. 137, 39 Stat. 218 and

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be "principle".

<sup>3</sup> So in original. Probably should be "facilities".

Feb. 26, 1919, ch. 47, 40 Stat. 1179, respectively, which are not classified to the Code.

#### REPEALS

Act Aug. 28, 1937, ch. 876, title II (last par.), 50 Stat. 876, provided: "All Acts or parts of Acts in conflict with this Act [sections 1181a to 1181f of this title] are hereby repealed to the extent necessary to give full force and effect to this Act."

#### SAVINGS PROVISION

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, in the event of conflict or inconsistency with the act of August 28, 1937, sections 1181a et seq. of this title, insofar as relating to management of timber resources, etc., not to supersede, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### LEASE OF SMALL TRACTS FOR RESIDENTIAL, RECREATIONAL, OR COMMUNITY SITE PURPOSES

Lease of small tracts of the lands described in this section for residential, recreational, or community site purposes, and conditions with respect thereto, see section 682e of this title.

#### § 1181b. Cooperative agreements with other agencies or private owners for coordinated administration

The Secretary of the Interior is authorized, in his discretion, to make cooperative agreements with other Federal or State forest administrative agencies or with private forest owners or operators for the coordinated administration, with respect to time, rate, method of cutting, and sustained yield, of forest units comprising parts of re-vested or reconveyed lands, together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes mentioned in sections 1181a and 1181b of this title.

(Aug. 28, 1937, ch. 876, title I, § 2, 50 Stat. 874.)

#### § 1181c. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, act Aug. 28, 1937, ch. 876, title I, § 3, 50 Stat. 875, related to classification and reclassification of lands as more suitable for agricultural use.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### § 1181d. Leasing of lands for grazing; disposition of moneys; rules and regulations covering grazing lands

The Secretary of the Interior is authorized, in his discretion, to lease for grazing any of said re-vested or reconveyed lands which may be so used without interfering with the production of timber or other purposes of sections 1181a to 1181f of this title as stated in section 1181a of

this title: *Provided*, That all the moneys received on account of grazing leases shall be covered either into the "Oregon and California land-grant fund" or the "Coos Bay Wagon Road grant fund" in the Treasury as the location of the leased lands shall determine, and be subject to distribution as other moneys in such funds: *Provided further*, That the Secretary is also authorized to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands.

(Aug. 28, 1937, ch. 876, title I, § 4, 50 Stat. 875.)

**§ 1181e. Rules and regulations generally; consultation and agreements with other agencies regarding fire regulations**

The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of sections 1181a to 1181f of this title into full force and effect. The Secretary of the Interior is further authorized, in formulating forest-practice rules and regulations, to consult with the Oregon State Board of Forestry, representatives of timber owners and operators on or contiguous to said revested and reconveyed lands, and other persons or agencies interested in the use of such lands.

In formulating regulations for the protection of such timberlands against fire, the Secretary is authorized, in his discretion, to consult and advise with Federal, State, and county agencies engaged in forest-fire-protection work, and to make agreements with such agencies for the cooperative administration of fire regulations therein: *Provided*, That rules and regulations for the protection of the revested lands from fire shall conform with the requirements and practices of the State of Oregon insofar as the same are consistent with the interests of the United States.

(Aug. 28, 1937, ch. 876, title I, § 5, 50 Stat. 875.)

**§ 1181f. Oregon and California land-grant fund; annual distribution of moneys**

On and after March 1, 1938, all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follows:

(a) Fifty per centum to the counties in which the lands revested under the Act of June 9, 1916 (39 Stat. 218), are situated, to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds: *Provided, however*, That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county.

(b) Twenty-five per centum to said counties as money in lieu of taxes accrued or which shall ac-

crue to them prior to March 1, 1938, under the provisions of the Act of July 13, 1926 (44 Stat. 915), and which taxes are unpaid on said date, such moneys to be paid to said counties severally by the Secretary of the Treasury of the United States, upon certification by the Secretary of the Interior, until such tax indebtedness as shall have accrued prior to March 1, 1938, is extinguished.

From and after payment of the above accrued taxes said 25 per centum shall be accredited annually to the general fund in the Treasury of the United States until all reimbursable charges against the Oregon and California land-grant fund owing to the general fund in the Treasury have been paid: *Provided*, That if for any year after the extinguishment of the tax indebtedness accruing to the counties prior to March 1, 1938, under the provisions of Forty-fourth Statutes, page 915, the total amount payable under subsection (a) of this section is less than 78 per centum of the aggregate amount of tax claims which accrued to said counties under said Act for the year 1934, there shall be additionally payable for such year such portion of said 25 per centum (but not in excess of three-fifths of said 25 per centum), as may be necessary to make up the deficiency. When the general fund in the Treasury has been fully reimbursed for the expenditures which were made charges against the Oregon and California land-grant fund said 25 per centum shall be paid annually, on or after September 30, to the several counties in the manner provided in subsection (a) hereof.

(c) Twenty-five per centum to be available for the administration of sections 1181a to 1181f of this title, in such annual amounts as the Congress shall from time to time determine. Any part of such per centum not used for administrative purposes shall be covered into the general fund of the Treasury of the United States: *Provided*, That moneys covered into the Treasury in such manner shall be used to satisfy the reimbursable charges against the Oregon and California land-grant fund mentioned in subsection (b) so long as any such charges shall exist.

(Aug. 28, 1937, ch. 876, title II, 50 Stat. 875; June 24, 1954, ch. 357, §1(b), 68 Stat. 271; Pub. L. 94-273, §2(28), Apr. 21, 1976, 90 Stat. 376.)

REFERENCES IN TEXT

Act of June 9, 1916, referred to in subsec. (a), is act June 9, 1916, ch. 137, 39 Stat. 218, which is not classified to the Code.

Act of July 13, 1926 (44 Stat. 915), Forty-fourth Statutes, page 915, and said Act, referred to in subsec. (b), mean act July 13, 1926, ch. 897, 44 Stat. 915, which is not classified to the Code.

CODIFICATION

Section comprises all of title II of act Aug. 28, 1937, except the last par. which is set out as a Repeals note under section 1181a of this title.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-273 substituted "September" for "June".

1954—Subsec. (a). Act June 24, 1954, inserted proviso relating to determination of assessment.

SHARING OF BUREAU OF LAND MANAGEMENT TIMBER SALE RECEIPTS

Pub. L. 103-66, title XIII, §13983, Aug. 10, 1993, 107 Stat. 682, as amended by Pub. L. 103-443, §1(b), Nov. 2,