

classified to section 254 of this title, prior to repeal by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1167 of this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Act Mar. 9, 1904, ch. 503, §2, 33 Stat. 64, provided: "That this Act [enacting this section] shall be in force from and after its passage and approval."

Executive Documents

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 under section 1451 of this title.

"Secretary of the Interior, or such officer as he may designate," substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

CHAPTER 44—OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANT LANDS

SUBCHAPTER I—ADMINISTRATION

- Sec. 2601. Conservation management by Department of the Interior; permanent forest production; sale of timber; subdivision.
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- 2603. Leasing of lands for grazing; disposition of moneys; rules and regulations covering grazing lands.
- 2604. Rules and regulations generally; consultation and agreements with other agencies regarding fire regulations.
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- 2631. Unselected and unpatented odd-numbered sections as revested grant lands; administration as national-forest lands; revenues; prohibition against disposition or exchange.
- 2632. Exchange of jurisdiction between Secretaries; conditions; publication in Federal Register.
- 2633. Designation of national-forest areas within counties; disposition of revenues; approval by court.
- 2634. Appropriations to carry out sections 2632 and 2633.

SUBCHAPTER I—ADMINISTRATION

§ 2601. Conservation management by Department of the Interior; permanent forest production; sale of timber; subdivision

Notwithstanding any provisions in the Acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), as amended, such portions of the revested Oregon and California Railroad and reconveyed 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 3<sup>1</sup> hereof, 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 revested 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,

<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:".

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.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 3, referred to in first par., is section 3 of act Aug. 28, 1937, ch. 876, title I, 50 Stat. 875, which was classified to section 1181c of this title prior to repeal 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 Feb. 26, 1919, ch. 47, 40 Stat. 1179, respectively, which are not classified to the Code.

##### CODIFICATION

Section was formerly classified to section 1181a of this title prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### 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 [enacting this subchapter and former section 1181c of this title] are hereby repealed to the extent necessary to give full force and effect to this Act."

#### § 2602. 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 revested 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 2601 and 2602 of this title.

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

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 1181b of this title prior to editorial reclassification and renumbering as this section.

#### § 2603. 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

revested or reconveyed lands which may be so used without interfering with the production of timber or other purposes of this subchapter as stated in section 2601 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.)

#### Editorial Notes

##### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning act Aug. 28, 1937, ch. 876, 50 Stat. 874, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section was formerly classified to section 1181d of this title prior to editorial reclassification and renumbering as this section.

#### § 2604. 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 this subchapter 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.)

#### Editorial Notes

##### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning act Aug. 28, 1937, ch. 876, 50 Stat. 874, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section was formerly classified to section 1181e of this title prior to editorial reclassification and renumbering as this section.