

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or parts of Acts in conflict with this Act [enacting this subchapter and former section 1181c of this title] are hereby repealed to the extent necessary to give full force and effect to this Act."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.

**§ 2605. 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 accrue 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 this subchapter, 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 men-

tioned 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.)

**Editorial Notes**

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.

This subchapter, referred to in subsec. (c), 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 1181f of this title prior to editorial reclassification and renumbering as this section.

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 2601 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.

**§ 2606. Oregon and California Railroad revested lands and Coos Bay Wagon Road reconveyed lands**

**(a) In general**

Notwithstanding any other provision of law, with respect to the Oregon and California Railroad grant land revested in the United States by the Act of June 9, 1916 (39 Stat. 218, chapter 137), and the Coos Bay Wagon Road grant land reconveyed to the United States by the first section of the Act of February 26, 1919 (40 Stat. 1179, chapter 47), that is managed under the Act of August 28, 1937 (43 U.S.C. 2601 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall not be required to engage in consultation under any law (including section 7 of Public Law 93-205 (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)), with respect to—

(1) the listing of a species as threatened or endangered, or a designation of critical habitat, pursuant to Public Law 93-205 (16 U.S.C. 1531 et seq.), if a land use plan has been adopted by the Secretary of the Interior as of the date of listing or designation; and

(2) any provision of a land use plan adopted as described in paragraph (1).

**(b) Effect of section**

Nothing in this section affects any applicable requirement of the Secretary of the Interior to consult with the head of any other Federal department or agency—

(1) regarding a project carried out, or proposed to be carried out, pursuant to Public Law 93-205 (16 U.S.C. 1531 et seq.), including