

Editorial Notes

REFERENCES IN TEXT

Section 471 of this title, referred to in text, was in the original a reference to act Mar. 3, 1891, 26 Stat. 1103, and was repealed by Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

“National forests” substituted in text for “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.

AMENDMENTS

1964—Pub. L. 88-537 provided that persons charged with violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner as in section 3401(b) to (e) of title 18.

1962—Pub. L. 87-869 substituted “by a fine of not more than \$500 or imprisonment for not more than six months, or both” for “as is provided for in section 104 of title 18”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114-275, §1, Dec. 14, 2016, 130 Stat. 1405, provided that: “This Act [enacting section 551c-1 of this title and provisions set out as a note under section 551c-1 of this title] may be cited as the ‘Prescribed Burn Approval Act of 2016.’”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-286, §1, May 9, 1990, 104 Stat. 171, provided that: “This Act [enacting sections 551b and 551c of this title, amending sections 18i and 558c of this title and section 1737 of Title 43, Public Lands, and enacting provisions set out as notes under this section and section 551b of this title] may be cited as the ‘Wildfire Disaster Recovery Act of 1989.’”

REPEAL; SAVINGS PROVISION

Section repealed by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System. Such repeal 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 Title 43, Public Lands.

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905, transferred certain functions with regard to administration of public forests from Secretary of the Interior to Secretary of Agriculture.

NATIONAL COMMISSION ON WILDFIRE DISASTERS

Pub. L. 101-286, title I, May 9, 1990, 104 Stat. 171, established a National Commission on Wildfire Disasters to study the effects of disastrous wildfires, resulting from natural or other causes, and to make recommendations concerning steps necessary for smooth and timely transition from loss of natural resources due to such fires, directed the Commission to make

findings and develop recommendations for consideration by the Secretaries of Agriculture and the Interior with respect to future management of National Forest System lands, national parks, Bureau of Land Management public lands, and community redevelopment activities and programs, directed the Commission to submit to the Secretaries of Agriculture and the Interior, not later than Dec. 1, 1991, a report containing its findings and recommendations, directed the Secretaries to submit the report to specific committees of Congress, and provided for the Commission to cease 90 days after submission of the report.

EXISTING RIGHTS-OF-WAY

Provisions of section 706(a) of Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2793, except as pertaining to rights-of-way, not to be construed as affecting the authority of the Secretary of Agriculture under this section, see note set out under section 1701 of Title 43, Public Lands.

Executive Documents

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with provisions of sections 473, 474 to 482, and 551 of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§551a. Cooperation by Secretary of Agriculture with States and political subdivisions in law enforcement

The Secretary of Agriculture, in connection with the administration and regulation of the use and occupancy of the national forests and national grasslands, is authorized to cooperate with any State or political subdivision thereof, on lands which are within or part of any unit of the national forest system, in the enforcement or supervision of the laws or ordinances of a State or subdivision thereof. Such cooperation may include the reimbursement of a State or its subdivision for expenditures incurred in connection with activities on national forest system lands. This section shall not deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction, within or on lands which are a part of the national forest system.

(Pub. L. 92-82, Aug. 10, 1971, 85 Stat. 303.)

§551b. Omitted**Editorial Notes**

CODIFICATION

Section, Pub. L. 101-286, title II, §202, May 9, 1990, 104 Stat. 174, which required the Secretaries of Agriculture

and the Interior, for areas under their respective jurisdictions, to submit annual reports to Congress on rehabilitation needs resulting from disastrous forest fire damage, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, pages 47 and 108 of House Document No. 103-7.

§ 551c. Planning for fire protection

(a) Volunteer firefighters

The Secretaries of Agriculture and the Interior shall annually offer training programs to certify volunteers for suppressing forest fires on National Forest System lands, National Park System lands and Bureau of Land Management public lands in the event that the appropriate Secretary determines that such volunteers are needed. In carrying out this subsection, the Secretaries should utilize existing authorities to train volunteer firefighters for use in fire emergencies. The Secretaries should assess the capabilities of educational institutions and other public and private organizations to provide such training programs.

(b) “Educational institutions” defined

For the purposes of this section, the term “educational institutions” shall include institutions established pursuant to the Act of July 2, 1862 (7 U.S.C. 301 et seq., commonly known as the “Morrill Act”), or the Act of August 30, 1890 (7 U.S.C. 321 et seq., commonly known as the “Second Morrill Act”).

(c) Mobilization of local equipment

Not later than one year after May 9, 1990—

(1) the Secretary of Agriculture shall submit to the Congress information with respect to regions of the National Forest System, and

(2) the Secretary of the Interior shall submit to the Congress information with respect to the Bureau of Land Management public lands on a State-by-State basis and each region of the National Park System

that documents mobilization plans that provide for the use of firefighting equipment in cases of fire emergencies that may occur in each such area that may be highly prone to disastrous forest fires.

(d) Presuppression needs

Not later than one year after May 9, 1990, information from the Secretary of Agriculture on presuppression needs for each region of the National Forest System and information from the Secretary of the Interior on the presuppression needs for each region of the National Park System and for each State unit of the Bureau of Land Management shall be submitted to Congress. These reports shall include needs, including an estimate of the funds required, for fire prevention, fuel reduction, training and seasonal fire crews.

(Pub. L. 101-286, title II, §203, May 9, 1990, 104 Stat. 175.)

Editorial Notes

REFERENCES IN TEXT

Act of July 2, 1862, referred to in subsec. (b), is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, popularly

known as the Morrill Act and also as the First Morrill Act, which is classified generally to subchapter I (§301 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 301 of Title 7 and Tables.

Act of August 30, 1890, referred to in subsec. (b), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 321 of Title 7 and Tables.

Statutory Notes and Related Subsidiaries

FIRE SERVICE LARGE AIRTANKER AND AERIAL ASSET FIREFIGHTING RECAPITALIZATION PILOT PROGRAM

Pub. L. 113-79, title VIII, §8305, Feb. 7, 2014, 128 Stat. 925, provided that:

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary [of Agriculture], acting through the Chief of the Forest Service, may establish a large airtanker and aerial asset lease program in accordance with this section.

“(b) AIRCRAFT REQUIREMENTS.—In carrying out the program described in subsection (a), the Secretary may enter into a multiyear lease contract for up to 5 aircraft that meet the criteria—

“(1) described in the Forest Service document entitled ‘Large Airtanker Modernization Strategy’ and dated February 10, 2012, for large airtankers; and

“(2) determined by the Secretary, for other aerial assets.

“(c) LEASE TERMS.—The term of any individual lease agreement into which the Secretary enters under this section shall be—

“(1) up to 5 years, inclusive of any options to renew or extend the initial lease term; and

“(2) in accordance with section 3903 of title 41, United States Code.

“(d) PROHIBITION.—No lease entered into under this section shall provide for the purchase of the aircraft by, or the transfer of ownership to, the Forest Service.”

FOREST FIREFIGHTING PLANNING AND COOPERATION; FINDINGS

Pub. L. 101-286, title II, §201, May 9, 1990, 104 Stat. 174, provided that: “The Congress finds that—

“(1) it is in the best interest of the Nation to take swift action to rehabilitate burned forests, and an assessment of the situation is necessary to accomplish this; and

“(2) volunteers should be trained to assist where possible.”

§ 551c-1. Limitations on prescribed burns

(a) In general

Except as provided in subsection (b), the Secretary shall not authorize a prescribed burn on Forest Service land if, for the county or contiguous county in which the land is located, the national fire danger rating system indicates an extreme fire danger level.

(b) Exception

The Secretary may authorize a prescribed burn under a condition described in subsection (a) if the Secretary coordinates with the applicable State government and local fire officials.

(c) Report

At the end of each fiscal year, the Secretary shall submit to Congress a report describing—

(1) the number and locations of prescribed burns during that fiscal year; and