

“(a)(1) This section provides compensation for loss of revenues that would have been provided to counties if no road moratorium, as described in subsection (a)(2), were implemented or no substitute sales offered as described in subsection (b)(1). This section does not endorse or prohibit the road building moratorium nor does it affect the applicability of existing law to any moratorium.

“(2) The Chief of the Forest Service, Department of Agriculture, in his sole discretion, may offer any timber sales that were scheduled October 1, 1997, or thereafter, to be offered in fiscal year 1998 or fiscal year 1999 even if such sales would have been delayed or halted as a result of any moratorium (resulting from the Federal Register proposal of January 28, 1998, pages 4351-4354) on construction of roads in roadless areas within the National Forest System adopted as policy or by regulation that would otherwise be applicable to such sales.

“(3) Any sales offered pursuant to subsection (a)(2) shall—

“(A) comply with all applicable laws and regulations and be consistent with applicable land and resource management plans, except any regulations or plan amendments which establish or implement the moratorium referred to in subsection (a)(2); and

“(B) be subject to administrative appeals pursuant to part 215 of title 36 of the Code of Federal Regulations and to judicial review.

“(b)(1) For any previously scheduled sales that are not offered pursuant to subsection (a)(2), the Chief may, to the extent practicable, offer substitute sales within the same State in fiscal year 1998 or fiscal year 1999. Such substitute sales shall be subject to the requirements of subsection (a)(3).

“(2)(A) The Chief shall pay as soon as practicable after fiscal year 1998 and fiscal year 1999 to any State in which sales previously scheduled to be offered that are referred to in, but not offered pursuant to, subsection (a)(2) would have occurred, 25 percent of any anticipated receipts from such sales that—

“(i) were scheduled from fiscal year 1998 or fiscal year 1999 sales in the absence of any moratorium referred to in subsection (a)(2); and

“(ii) are not offset by revenues received in such fiscal years from substitute projects authorized pursuant to subsection (b)(1).

“(B) After reporting the amount of funds required to make any payments required by subsection (b)(2)(A), and the source from which such funds are to be derived, to the Committees on Appropriations of the House of Representatives and the Senate, the Chief shall make any payments required by subsection (b)(2)(A) from any funds available to the Forest Service in fiscal year 1998 or fiscal year 1999, subject to approval of the Committees on Appropriations of the House of Representatives and the Senate, that are not specifically earmarked for another purpose by the applicable appropriation Act or a committee or conference report thereon.

“(C) Any State which receives payments required by subsection (b)(2)(A) shall expend such funds only in the manner, and for the purposes, prescribed in section 500 of title 16, United States Code.

“(c)(1) During the term of the moratorium referred to in subsection (a)(2), the Chief shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on each of the following—

“(A) a study of whether standards and guidelines in existing land and resource management plans compel or encourage entry into roadless areas within the National Forest System for the purpose of constructing roads or undertaking any other ground-disturbing activities;

“(B) an inventory of all roads within the National Forest System and the uses which they serve, in a format that will inform and facilitate the development of a long-term Forest Service transportation policy; and

“(C) a comprehensive and detailed analysis of the economic and social effects of the moratorium re-

ferred to in subsection (a)(2) on county, State, and regional levels.”

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1601 of this title.

§ 1609. National Forest System

(a) Congressional declaration of constituent elements and purposes; lands etc., included within; return of lands to public domain

Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The “National Forest System” shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act [7 U.S.C. 1010 et seq.], and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system. Notwithstanding the provisions of section 473 of this title, no land now or hereafter reserved or withdrawn from the public domain as national forests pursuant to section 471¹ of this title, or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress.

(b) Location of Forest Service offices

The on-the-ground field offices, field supervisory offices, and regional offices of the Forest Service shall be so situated as to provide the optimum level of convenient, useful services to the public, giving priority to the maintenance and location of facilities in rural areas and towns near the national forest and Forest Service program locations in accordance with the standards in section 2204b-1(b) of title 7.

(Pub. L. 93-378, § 11, formerly § 10, Aug. 17, 1974, 88 Stat. 480, renumbered § 11 and amended Pub. L. 94-588, §§ 2, 9, Oct. 22, 1976, 90 Stat. 2949, 2957.)

Editorial Notes

REFERENCES IN TEXT

The Bankhead-Jones Farm Tenant Act, referred to in subsec. (a), is act July 22, 1937, ch. 517, 50 Stat. 522, as amended. Title III of the Bankhead Jones Farm Tenant Act is classified generally to subchapter III (§1010 et seq.) of chapter 33 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1000 of Title 7 and Tables.

¹ See References in Text note below.

Section 471 of this title, referred to in subsec. (a), was repealed by Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-588, §9, prohibited the return to the public domain of land reserved or withdrawn from the public domain as national forests pursuant to section 471 of this title except by an act of Congress.

Statutory Notes and Related Subsidiaries

LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT, ILLINOIS

Pub. L. 104-106, div. B, title XXIX, Feb. 10, 1996, 110 Stat. 594, as amended by Pub. L. 106-65, div. B, title XXVIII, §2842, Oct. 5, 1999, 113 Stat. 863; Pub. L. 113-291, div. B, title XXVIII, §2838, Dec. 19, 2014, 128 Stat. 3710; Pub. L. 115-232, div. B, title XXVIII, §2848, Aug. 13, 2018, 132 Stat. 2279, provided that title XXIX could be cited as the “Illinois Land Conservation Act of 1995” and provided for conversion of Joliet Army Ammunition Plant to Midewin National Tallgrass Prairie, Illinois, to be managed by the Secretary of Agriculture as part of National Forest System, and for conveyance of certain real property at the Arsenal for a national cemetery, a Will County, Illinois, landfill, and industrial parks to replace all or a part of lost economic activity, with provisions prohibiting construction of title XXIX to restrict or lessen degree of cleanup required to be carried out under environmental laws, and provisions authorizing retention of real property used for environmental cleanup by Secretary of the Army until transfer occurs.

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1601 of this title.

§ 1610. Implementation of provisions by Secretary; utilization of information and data of other organizations; avoidance of duplication of planning, etc.; “renewable resources” defined

In carrying out this subchapter, the Secretary shall utilize information and data available from other Federal, State, and private organizations and shall avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies. The term “renewable resources” shall be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service on August 17, 1974 and on the date of enactment of any legislation amendatory or supplementary thereto.

(Pub. L. 93-378, §12, formerly §11, Aug. 17, 1974, 88 Stat. 480, renumbered §12 and amended Pub. L. 94-588, §§2, 10, Oct. 22, 1976, 90 Stat. 2949, 2957; Pub. L. 115-141, div. O, title II, §208(b)(2), Mar. 23, 2018, 132 Stat. 1066.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-141 substituted “Secretary” for “Secretary of Agriculture”.

1976—Pub. L. 94-588, §10, inserted “and on the date of enactment of any legislation amendatory or supplementary thereto”.

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1601 of this title.

§ 1611. Timber

(a) Limitations on removal; variations in allowable sale quantity; public participation

The Secretary shall limit the sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis: *Provided*, That, in order to meet overall multiple-use objectives, the Secretary may establish an allowable sale quantity for any decade which departs from the projected long-term average sale quantity that would otherwise be established: *Provided further*, That any such planned departure must be consistent with the multiple-use management objectives of the land management plan. Plans for variations in the allowable sale quantity must be made with public participation as required by section 1604(d) of this title. In addition, within any decade, the Secretary may sell a quantity in excess of the annual allowable sale quantity established pursuant to this section in the case of any national forest so long as the average sale quantities of timber from such national forest over the decade covered by the plan do not exceed such quantity limitation. In those cases where a forest has less than two hundred thousand acres of commercial forest land, the Secretary may use two or more forests for purposes of determining the sustained yield.

(b) Salvage harvesting

Nothing in subsection (a) of this section shall prohibit the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack. The Secretary may either substitute such timber for timber that would otherwise be sold under the plan or, if not feasible, sell such timber over and above the plan volume.

(Pub. L. 93-378, §13, as added Pub. L. 94-588, §11, Oct. 22, 1976, 90 Stat. 2957; amended Pub. L. 115-141, div. O, title II, §208(b)(2), Mar. 23, 2018, 132 Stat. 1066.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-141 substituted “Secretary shall limit” for “Secretary of Agriculture shall limit”.