

**Annex 4 – Summary and selected text from U.S. forest policy and laws**

**MULTIPLE-USE SUSTAINED-YIELD ACT OF 1960**

16 U.S.C. §§ 528-531, June 12, 1960.

**Overview.** This Act declares that the purposes of the national forest include outdoor recreation, range, timber, watershed and fish and wildlife. The Act directs the Secretary of Agriculture to administer national forest renewable surface resources for multiple use and sustained yield.

**Findings/Policy.** The policy of Congress is that national forests are established and administered for outdoor recreation, range, timber, watershed, and fish and wildlife purposes. This Act is intended to supplement these purposes. The Act does not affect the jurisdiction or responsibilities of the states, the use or administration of the mineral resources of national forest lands, or the use or administration of federal lands not within the national forests. § 528.

**Selected Definitions.** Multiple use: management of all the renewable surface resources of the national forests to meet the needs of the American people. Sustained yield: achievement and maintenance of a high-level regular output of the renewable resources of the national forest without impairment of the land's productivity. § 531.

**Authorization.** The Secretary of Agriculture (Secretary) must develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the various products and services obtained from these areas. The Secretary must give appropriate consideration to the relative values of the resources of particular areas. The Act authorizes the Secretary to cooperate with interested state and local governmental agencies and others in developing and managing the national forests. §§ 529 and 530.

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**NATIONAL FOREST MANAGEMENT ACT OF 1976**

16 U.S.C. §§ 1600-1614, August 17, 1974, as amended 1976, 1978, 1980, 1981, 1983, 1985, 1988 and 1990.

**Overview.** The National Forest Management Act reorganized, expanded and otherwise amended the Forest and Rangeland Renewable Resources Planning Act of 1974, which called for the management of renewable resources on national forest lands. The National Forest Management Act requires the Secretary of Agriculture to assess forest lands, develop a management program based on multiple-use, sustained-yield principles, and implement a resource management plan for each unit of the National Forest System. It is the primary statute governing the administration of national forests.

**Findings/Policy.** The Act contains numerous Congressional findings pertaining to the management of national forests, including: it is in the public interest for the Forest Service to assess the nation's public and private renewable resources and develop a national renewable resource program; to serve the national interest, the development of the renewable resource program must include a thorough analysis of environmental and economic impacts, coordination of multiple-use and sustained-yield, and public participation; the Forest Service has the responsibility and opportunity to assure a national natural resource conservation posture that will meet our citizens' needs in perpetuity; the knowledge derived from coordinated public and private research programs will promote a sound technical and ecological base for the effective management, use and protection of the nation's renewable resources. § 1600.

**Renewable Resource Assessment.** The Secretary of Agriculture (Secretary) is required to prepare a Renewable Resource Assessment and to update the assessment every ten years. The Act specifies the broad inventory and policy information the assessment must contain. The Secretary must provide opportunity for public involvement and must consult with other interested governmental agencies. As part of the assessment, the Secretary must develop and maintain a comprehensive inventory of all National Forest

System lands and renewable resources. The inventory must be kept current and must identify new and emerging resources and values.

The policy of Congress is that all forested lands in the National Forest System are to be maintained for the maximum benefits of multiple-use, sustained-yield management. The Secretary must identify all lands in the national forest system that require reforestation and treatment. This information must be transmitted to Congress annually along with an estimate of the funds needed to replant and otherwise treat all lands being cut over. The Secretary also must submit an annual report to Congress on the amounts, types, and use of herbicides and pesticides used on national forest lands.

**Renewable Resource Program.** The Secretary must develop a Renewable Resource Program for protection, management and development of the National Forest System, for cooperative Forest Service programs and for research. The program must be developed in accordance with the principles contained in the Multiple-Use Sustained-Yield Act of 1960 and the National Environmental Policy Act of 1969. The Act lists specific types of information that the Secretary must include in the program. The Act specifies a deadline of December 31, 1975 for the initial program and obligates the Secretary periodically to update the program for at least four fiscal decades. § 1602.

**Resource Management Plans.** The Act requires the Secretary to develop and implement resource management plans for each unit of the National Forest System. In doing so, the Secretary must: use an interdisciplinary approach; coordinate with state and local resource management efforts; provide for public participation; provide for multiple-use and sustained-yield of products and services. The Secretary must revise the management plans whenever significant changes occur in a unit and must update the plans at least once every 15 years. The Secretary must make all plans available to the public at convenient locations.

To the extent feasible, the Secretary must identify lands within the management areas that are not suited for timber production, considering physical, economic and other pertinent factors. Timber harvesting is prohibited on the lands for a ten-year period. The status of these lands must be reviewed at least every ten years, and they must be returned to timber production once conditions have changed so that they are suitable for timber harvesting.

The Act requires the Secretary to promulgate an extensive list of regulations regarding the development and revision of management plans. Several of these required regulations address wildlife resources and environmental protection. For example, the Secretary must specify procedures to ensure management plans are in accordance with the National Environmental Policy Act of 1969. Also, the Secretary must specify guidelines for developing management plans that: ensure consideration of both economic and environmental factors; provide for wildlife and fish; provide for the diversity of plant and animal communities; ensure timber harvesting will occur only where water quality and fish habitat are adequately protected from serious detriment; ensure clearcutting and other harvesting will occur only where it may be done in a manner consistent with the protection of soil, watersheds, fish, wildlife, recreation, aesthetic resources and regeneration of the timber resource.

**Assistance to the States.** The Secretary may use the information gathered under the Act to assist states and other organizations in planning for the protection, use and management of renewable resources on non-federal lands. § 1605.

**Multiple-Use and Sustained-Yield.** The Secretary of Agriculture must assure that the development and administration of National Forest System renewable resources are in full accord with the Multiple-Use Sustained-Yield Act of 1960. Congress set the year 2000 as the target year for when all backlogs of reforestation treatments must be reduced to a current basis and the major portion of multiple-use, sustained-yield management procedures must be operating on an environmentally sound basis. § 1607.

## FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

43 U.S.C. §§ 1701-1782, October 21, 1976, as amended 1978, 1984, 1986, 1988, 1990-1992, 1994 and 1996.

**Overview.** This Act constitutes the organic act for the Bureau of Land Management and governs most uses of the federal public lands, including grazing. The Act requires the Bureau to execute its management powers under a land use planning process that is based on multiple use and sustained yield principles. The Act also provides for public land sales, withdrawals, acquisitions and exchanges.

**Findings/Policy.** Congress declared it is the policy of the U.S. that: public lands be retained in federal ownership; public lands and their resources be periodically inventoried and their use coordinated with other federal and state planning; the Secretary of the Interior establish rules for administering public lands and adjudicating disputes; public lands management be based generally on multiple use and sustained yield; public lands be managed to protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; public lands be managed to preserve and protect certain lands in their natural condition, to provide food and habitat for fish, wildlife and domestic animals and to provide outdoor recreation and human use; the U.S. receive fair market value for the use of public lands and their resources unless otherwise provided by statute; uniform procedures for the disposal, acquisition and exchange of public land be established by statute; regulations and plans for protection of public lands of critical environmental concern be promptly developed; public lands be managed in a manner that recognizes the nation's need for domestic sources of minerals, food, timber and fiber; the federal government should compensate state and local governments for burdens created as a result of the immunity of federal lands from state and local taxation. § 1701.

**Exchanges of Lands or Interests Within the National Forest System.** The Secretary may dispose of a tract of public land or land interests by exchange, and the Secretary of Agriculture may do likewise for lands or interests within the National Forest System, when the Secretary concerned determines that the public interest will be well served by that exchange. This determination must take into account the value of the land for several purposes, including for fish and wildlife. The value of the lands exchanged must be equal, or the value equalized by payment of money, as set by appraisal.

**Coordination with State and Local Governments.** At least 60 days prior to offering for sale or otherwise conveying public lands under this Act, the Secretary must notify the governor of the state within which the lands are located, and the head of the governing body of any political subdivision with zoning or other land use regulatory jurisdiction in the geographical area, in order to afford the opportunity to zone, regulate, or change or amend existing zoning or other regulations. § 1720.

**Conveyances to States.** The Secretary may convey to states unsurveyed islands and other public lands erroneously or fraudulently omitted from original surveys. The conveyance must be consistent with land use plans within that state and may not be used to determine the baseline between federal and state ownership or state boundaries. This provision does not apply to lands within the National Forest System, the National Park System, the National Wildlife Refuge System, and the National Wild and Scenic Rivers System. § 1721.

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## COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978

16 U.S.C. §§ 2101-2111, July 1, 1978, as amended 1990, 1991, 1992 and 1996.

**Overview.** The Act authorizes the Secretary of Agriculture to establish a variety of cooperative programs to protect and manage nonfederal forest lands.

**Findings/Policy.** Congress found that because most of the nation's productive forest land is owned privately or by local and state government the capacity of the U.S. to produce renewable forest resources depends significantly on nonfederal land. Congress also made findings regarding the importance of: adequate supplies of timber and other forest resources; managed forest lands providing habitats for fish and

wildlife; federal-state cooperation in forest fire protection; the recognition that forest landowners are being pressured to convert their forest land to development and other purposes; long-term land management and stewardship of privately held forest resources. The purpose of the Act is to authorize the Secretary of Agriculture (Secretary) to assist in establishing a cooperative federal, state and local forest stewardship program for management of nonfederal forest lands and achieving a number of goals for the use and protection of forest lands. Congress declared that it is in the national interest for the Secretary to cooperate with state officials, nongovernmental organizations and the private sector in implementing federal programs affecting nonfederal forest lands. § 2101.

**Rural Forestry Assistance.** The Act authorizes the Secretary to provide financial, technical, educational and related assistance to state foresters or equivalent officials and state extension directors to enable these officials to provide information and advice to private forest landowners and managers, vendors, forest resource operators and professionals, public agencies and individuals to carry out activities consistent with the purposes of the Act, including: protecting and restoring forest lands; identifying, protecting, and enhancing wildlife and fish species and their habitats; implementing forest management technologies; selecting, producing and marketing alternative forest crops and products; protecting forest land from damage by fire, insects, disease and weather; managing land to balance the use of forest resources near urban and community areas; managing recreational forest land resources; protecting the aesthetic character of forest lands; protecting forest land from conversion to other uses; managing the resources of forest land.

The Secretary is authorized to provide financial, technical and related assistance to: develop genetically improved tree seeds; develop field arboretums, greenhouses and nurseries; procure, produce and distribute tree seeds and trees; plant tree seeds and seedlings on nonfederal forest lands; implement measures on nonfederal forest lands to increase the quantity and improve the quality of trees and fish and wildlife habitat; protect and improve soil fertility. The Secretary must cooperate with other federal, state and local agencies, universities and the private sector in these tasks. Congress authorized to be appropriated sums necessary to carry out these provisions. § 2102.

**Forest Stewardship Program.** The Secretary, in consultation with state foresters or equivalent officials, must establish a forest stewardship program to encourage long-term stewardship of nonindustrial private forest lands by assisting landowners in using federal, state and private management expertise and assistance programs. The Secretary must provide financial, technical, educational and related assistance that will help landowners understand and evaluate alternative actions they might take, including: managing and enhancing the productivity of timber, fish and wildlife habitat, water quality, wetlands, recreational resources, and the aesthetic value of forest lands; investing in practices to protect, maintain and enhance these resources; using practices to ensure the long-term productivity of forest resources and protection of environmental benefits; protecting forests from damage by fire, insects, disease and weather. Congress authorized to be appropriated \$25,000,000 for each fiscal year 1991-95 and sums necessary thereafter to carry out this program. Congress required the Secretary to establish a stewardship incentive program, including federal cost sharing, within the Forest Service to meet the goals of the forest stewardship program and authorized to be appropriated \$100,000,000 for each fiscal year 1991-95 and sums necessary thereafter. §§ 2103a- 2103b.

**Forest Legacy Program.** The Act requires the Secretary to establish a forest legacy program to ascertain and protect environmentally important forest areas that are threatened by conversion to nonforest uses, to promote forest land protection and other conservation opportunities through conservation easements and other mechanisms, and to protect important scenic, cultural, fish, wildlife and recreational resources, riparian areas and other ecological values. The Secretary may provide state grants for this program. Congress authorized to be appropriated sums necessary to carry out this program. § 2103c.

**Forest Health Protection.** The Act authorizes the Secretary to protect trees, forests, wood products and stored wood on National Forest System land and other lands in the U.S. from natural and human threats. Congress authorized to be appropriated annually sums to carry out the general provisions of this program, and \$10,000,000 annually to carry out a program of integrated pest management. § 2104.

**Urban and Community Forestry Assistance.** Based on findings on the importance of trees in urban and community settings, Congress authorized the Secretary to provide financial, technical and related assistance to encourage states to engage in cooperative efforts to plan urban forestry programs and to use trees in a variety of urban areas. The Secretary must establish a cost-share program to support urban and community forestry projects. Congress authorized to be appropriated \$30,000,000 for each fiscal year 1991-95 and sums necessary thereafter to implement this program. § 2105.

**Rural Fire Prevention and Control.** Reciting the importance of fire prevention and control in rural communities, Congress authorized the Secretary to cooperate with state foresters or equivalent officials in developing methods for fire protection on rural lands and in rural communities, and to provide financial, technical and related assistance for fire prevention and training activities. Congress made various appropriations to support these efforts. Congress also authorized the Secretary to provide assistance, either through reimbursement or providing tree seedlings, to eligible landowners whose commercial tree stand is at least 35 percent destroyed through weather or fire. §§ 2106-2106a.

**Assistance to States.** To achieve maximum effectiveness of the Act's programs, Congress authorized the Secretary to provide financial, technical and related assistance to state foresters or equivalent officials to develop stronger and more efficient state organizations that will fulfill better their responsibilities for protection and management of nonfederal forest lands. The Secretary's assistance may include organization management, program planning, budget and fiscal services, personnel training and management, information services and recordkeeping. Assistance may be provided only upon state request. The Secretary also is authorized to provide assistance with collection of forest resources data and to aid in technology implementation. Congress authorized to be appropriated sums necessary to carry out these provisions. § 2107.

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## **FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT OF 1978**

16 U.S.C. §§ 1641-1649, June 30, 1978, as amended 1980, 1988, 1990 and 1992.

**Overview.** This Act authorizes the Secretary of Agriculture to conduct renewable resources research activities on national forest and rangelands, including research relating to fish and wildlife and their habitats.

**Findings/Policy.** The Act contains numerous Congressional findings concerning research needs on national forest and rangeland, including findings that: scientific discoveries and technological advances are necessary for the protection and management of the nation's renewable resources; deforestation threatens renewable resources around the world and thereby threatens people, the global environment and the world economy. The purpose of the Act is to authorize the Secretary of Agriculture (Secretary) to implement a comprehensive program of forest and rangeland renewable resources research and to disseminate the findings of that research. The Act authorizes the Secretary to expand research activities to encompass international forestry and natural resource issues on a global scale. § 1641.

**Renewable Resources Research.** The Act authorizes the Secretary to conduct investigations and activities to obtain and disseminate scientific information about protecting, managing and using renewable resources. The Act contains an extensive list of research activities that the Secretary must undertake, including activities related to: managing vegetation on forests and rangelands for timber, forage, water, wilderness, fish and wildlife, and other purposes; maintaining and improving wildlife and fish habitats; protecting threatened and endangered flora and fauna.

**Recycling Research.** Congress found that: the U.S. is amassing vast amounts of solid wastes, which present an increasing problem for municipalities in locating suitable disposal sites; a large proportion of these wastes consists of paper and other wood wastes, less than one-third of which are recycled; additional recycling would result in reduced solid waste landfill disposal and a reduced rate of removing standing

timber from forest lands; additional research is necessary to develop technological advances for increased recycling of paper and wood wastes and use of products containing recycled materials. The Act authorizes the Secretary to conduct and support an expanded wood fiber recycling research program. The Secretary must seek the cooperation and support of private industry and ensure that the goals of the program include the application of the research to industry and consumer needs. To implement this program, the Act authorizes annual appropriations of \$10,000,000 for a five-year period beginning October 1, 1990. § 1648.

**Forestry Student Grant Program.** The Secretary must establish a competitive grant program for students to encourage professional education in the areas of forestry, natural resources and environmental science. The Act authorizes appropriations as necessary to support the program. § 1649.