

Appendix B

STATUTES, REGULATIONS, EXECUTIVE ORDERS AND DIRECTIVES

This Appendix contains a selected listing of relevant statutes, regulations, policies and executive orders applicable to the Daniel Boone National Forest. Web site locations where the text of the documents can be obtained are provided where available.

FEDERAL STATUTES

American Indian Religious Freedom Act of 1978

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=42&sec=1996

Protects and preserves for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects and the freedom to worship through ceremonial and traditional rites.

Americans with Disabilities Act of 1990

<http://www.usdoj.gov/crt/ada/statute.html>

Provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; for clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; to ensure that the federal government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, to address the major areas of discrimination faced by people with disabilities.

Anderson-Mansfield Reforestation and Revegetation Act of 1949

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sec=581j

Provides for the reforestation and revegetation of National Forest lands and other lands under the administration or control of the Forest Service.

Antiquities Act of 1906

<http://www.cr.nps.gov/local-law/anti1906.htm>

Prevents the appropriation, excavation, injury, or destruction of any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the United States

without the permission of the Secretary of the Interior having jurisdiction over the lands on which said antiquities are situated; and authorizes the President to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the United States to be national monuments, and to reserve as a part thereof parcels of land needed for the proper care and management of the objects to be protected.

Archaeological Resources Protection Act of 1979, as amended 1988

<http://www2.cr.nps.gov/laws/archprotect.htm>

Enacted to secure the protection of archaeological resources and sites on public and Indian lands and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community and private individuals having access to and information related to these resources.

Architectural Barriers Act of 1968

<http://www4.law.cornell.edu/uscode/42/4151.html>

Ensures that standards for the design, construction, and alteration of buildings owned, leased, or funded by the United States are prescribe to insure, wherever possible, that physically handicapped people have ready access to and use of such buildings.

Bankhead-Jones Farm Tenant Act of 1937

<http://laws.fws.gov/lawsdigest/bankjon.html>

Directed the Secretary of Agriculture to develop a program of land conservation and utilization to correct maladjustments in land use and thus assist in such things as control of soil erosion, reforestation, preservation of natural resources, and protection of fish and wildlife.

Clarke-McNary Act of 1924

<http://www.senate.gov/~agriculture/Legislation/Agricultural%20Law/Forests/cma.pdf>

Authorizes and directs the Secretary of Agriculture, in cooperation with land grant colleges and universities or with other suitable state agencies, to aid farmers through advice, education, demonstrations, or other similar means in establishing, renewing, protecting, and managing wood lots, shelter belts, windbreakers, and other valuable forest growth, and in harvesting, utilizing, and marketing the products thereof. The Act also authorizes the Secretary to accept, on behalf of the United States, title to any land donated by private land owners to assure future timber supplies or for other national forest purposes.

Clean Air Act of 1977, as amended (1977 and 1990)

<http://www4.law.cornell.edu/uscode/unframed/42/ch85.html>

Enacted to protect and enhance the quality of the Nation's air resources; to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution; to provide technical and financial assistance to state and local governments in connection with the

development and execution of their air pollution prevention and control programs; and, to encourage and assist the development and operation of regional air pollution prevention and control programs.

Color of Title Act of 1928

<http://www4.law.cornell.edu/uscode/43/ch25A.html>

Granted the Secretary of the Interior the authority to issue patents up to 160 acres to claimants that had held a tract of public land in good faith and in peaceful, adverse possession and had made valuable improvements on the land or reduced it to cultivation. The Act reserved the rights to coal and all other minerals contained therein to the United States.

Common Varieties of Mineral Materials Act of 1947

<http://www4.law.cornell.edu/uscode/30/601.html>

Authorizes the Secretaries of the Interior and Agriculture, under such rules and regulations as they may prescribe, to dispose of mineral materials (including but not limited to common varieties sand, stone, gravel, pumice, pumicite, cinders, and clay) and vegetative materials (including but not limited to yucca, manzanita, mesquite, cactus, and timber or other forest products) on public lands of the United States, if the disposal of such materials is not otherwise expressly authorized by law, is not expressly prohibited by laws of the United States, and would not be detrimental to the public interest.

Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C.A. 9601 et seq.) as amended in 1986

<http://www4.law.cornell.edu/uscode/42/ch103.html>

<http://uscode.house.gov/DOWNLOAD/42C103.DOC>

Enables the Environmental Protection Agency (EPA) and other federal agencies to respond to the release or to the threatened release of hazardous substances. CERCLA stands for Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C.A. 9601 et seq.). It is a law enacted in 1980 and amended in 1986 that enables the Environmental Protection Agency (EPA) and other federal agencies to respond to the release or to the threatened release of hazardous substances.

Cooperative Forestry Assistance Act of 1978

<http://www4.law.cornell.edu/uscode/16/2101.html>

Authorizes the Secretary of Agriculture to assist in the establishment of a coordinated and cooperative federal, state, and local forest stewardship program for the management of non-federal Forest lands and forest lands in foreign countries.

Disaster Relief Act of 1974

<http://www4.law.cornell.edu/uscode/42/ch68.html>

Provides an orderly and continuing means of assistance by the federal government to state and local governments in developing, coordinating, and carrying out their disaster relief programs, and provides federal assistance programs for both public and private losses sustained in disasters.

Eastern Wilderness Act of 1975

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sec=1132

Established Wilderness areas in the eastern United States, proposed several more for Wilderness Study, and authorized the Secretary of Agriculture to acquire, through purchase, by gift, exchange, condemnation, or otherwise such lands, waters, or interests therein as determined necessary or desirable for the purposes of the Act.

Economy Act of 1932

<http://www4.law.cornell.edu/uscode/31/1535.html>

Authorizes the head of a federal agency or major organizational unit within an agency to obtain goods or services from a major organizational unit within the same agency or another agency if amounts are available; if it is determined to be in the best interest of the United States government; the agency or unit is able to provide or get by contract the ordered goods or services; and the head of the agency decides ordered goods or services cannot be provided as conveniently or cheaply by a commercial enterprise.

Emergency Flood Prevention (Agricultural Credit Act) Act of 1978

<http://www4.law.cornell.edu/uscode/16/2201.html>

Authorizes the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil-erosion prevention, in cooperation with land owners and users, as the Secretary deems necessary to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire, flood, or other natural occurrence is causing or has caused a sudden impairment of that watershed.

Endangered Species Act of 1973

<http://laws.fws.gov/lawsdigest/esact.html>

<http://www4.law.cornell.edu/uscode/16/ch35.html>

Authorizes the determination and listing of species as endangered and threatened; prohibits unauthorized taking, possession, sale, and transport of endangered species; provides authority to acquire land for the conservation of listed species, using Land and Water Conservation Funds; authorizes establishment of cooperative agreements and grants-in-aid to states that establish and maintain programs for endangered and threatened wildlife and plants; authorizes the assessment of civil and criminal penalties for violating the Act or regulations; and, authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the Act or any regulation issued there under. Section 7 of the Act requires federal agencies to insure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat.

Energy Security Act of 1980

<http://thomas.loc.gov/cgi-bin/bdquery/z?d096:SN00932:@@@L|TOM:/bss/d096query.html>

Authorizes the Secretary of Agriculture to make available timber resources of the National Forest System, in accordance with appropriate timber appraisal and sale procedures, for use by biomass energy projects.

Federal Advisory Committee Act of 1972

<http://www.nara.gov/fedreg/legal/index.html#faca>

Sets standards and uniform procedures to govern the establishment, operation, administration, and duration of advisory committees.

Federal Cave Resources Protection Act of 1988

<http://laws.fws.gov/lawsdigest/caveres.html>

Established requirements for the management and protection of caves and their resources on federal lands, including allowing land managing agencies to withhold the location of caves from the public, and requiring permits for any removal or collecting activities in caves on federal lands.

Federal Coal Leasing Amendments Act of August 4, 1976

<http://thomas.loc.gov/cgi-bin/bdquery/z?d094:SN00391:@@@L|TOM:/bss/d094query.html>

Authorizes the Secretary of the Interior to divide lands, subject to the Mineral Lands Leasing Act, which have been classified for coal leasing into tracts of such size as he finds appropriate and in the public interest and which can be economically extracted, and, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time offer such lands for leasing by competitive bid.

Federal Insecticide, Rodenticide, and Fungicide Act of October 21, 1972

<http://www4.law.cornell.edu/uscode/unframed/7/ch6.html>

Requires the Administrator of the Environmental Protection Agency to prescribe standards for the certification of individuals authorized to use or supervise the use of any pesticide that is classified for restricted use; regulates the sale of restricted use pesticides; and provides penalties for the unauthorized use or sale of restricted use pesticides.

Federal Land Policy and Management Act of October 21, 1976

<http://www4.law.cornell.edu/uscode/unframed/43/ch35.html>

Requires that public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use. Also states that the United States shall receive fair market value of the use of the public lands and their resources unless otherwise provided for by law.

Federal Noxious Weed Act of January 3, 1975

<http://laws.fws.gov/lawsdigest/fednox.html>

Authorizes the Secretary of Agriculture to designate plants as noxious weeds by regulation; to prohibit the movement of all such weeds in interstate or foreign commerce except under permit; to inspect, seize and destroy products, and to quarantine areas, if necessary to prevent the spread of such weeds; and to cooperate with other federal, state and local agencies, farmers associations, and private individuals in measures to control, eradicate, prevent, or retard the spread of such weeds.

Federal Onshore Oil and Gas Leasing reform Act of 1987 (FOOGLRA)

http://www.fs.fed.us/r9/gmfl/Oil_Gas/FLNF_Oil_and_Gas_ROD.pdf

Expands the authority of the Secretary of Agriculture in the management of oil and gas resources on NFS lands and directed the Secretary to issue rules on bonding and reclamation efforts. Under FOOGLRA, leases for oil and gas on NFS lands cannot be issued by BLM without the approval of the USFS.

Federal Power Act of June 10, 1920

<http://laws.fws.gov/lawsdigest/fedpowr.html>

Provides for cooperation between the Federal Energy Regulatory Commission and other federal agencies, including resource agencies, in licensing and relicensing power projects.

Federal-State Cooperation for Soil Conservation Act of December 22, 1944

<http://www4.law.cornell.edu/uscode/33/701-1.html>

Authorized the adoption of eleven watershed improvement programs in various states for the improvement of water runoff, water flow retardation, and soil erosion prevention.

Federal Water Pollution Control Act and Amendments of 1972 (Clean Water Act)

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=33&sec=1251

Enacted to restore and maintain the chemical, physical, and ecological integrity of the Nation's waters. Provides for measures to prevent, reduce, and eliminate water pollution; recognizes, preserves, and protects the responsibilities and rights of states to prevent, reduce, and eliminate pollution, and to plan the development and use (including restoration, preservation, and enhancement) of land and water resources; and provides for federal support and aid of research relating to the prevention, reduction, and elimination of pollution, and federal technical services and financial aid to state and interstate agencies and municipalities for the prevention, reduction, and elimination of pollution.

Established goals for the elimination of water pollution; required all municipal and industrial wastewater to be treated before being discharged into waterways; increased federal assistance for municipal treatment plant construction; strengthened and streamlined enforcement policies; and expanded the federal role while retaining the responsibility of states for day-to-day implementation of the law (401 KAR Chapters 4, 5, 6, & 8).

Federal Water Project Recreation Act of July 9, 1965

<http://laws.fws.gov/lawsdigest/fwatrr.html>

<http://www4.law.cornell.edu/uscode/unframed/16/460l-12.html>

Requires that recreation and fish and wildlife enhancement opportunities be considered in the planning and development of federal water development.

Fish and Wildlife Conservation Act of September 15, 1960

<http://www4.law.cornell.edu/uscode/unframed/16/670a.html>

Requires the Secretaries of the Interior and Agriculture, in cooperation with state agencies, to plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game on public lands under their jurisdiction.

Fish and Wildlife Coordination Act of March 10, 1934

<http://laws.fws.gov/lawsdigest/fwcoord.html>

Authorizes the Secretaries of Agriculture and Commerce to provide assistance to and cooperate with other federal and state agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife. The Act also authorizes the preparation of plans to protect wildlife resources, the completion of wildlife surveys on public lands, and the acceptance by federal agencies of funds or lands for related purposes provided that land donations receive the consent of the state in which they are located.

Forest Highways Act of August 27, 1958

<http://www4.law.cornell.edu/uscode/unframed/23/205.html>

Requires that funds available for forest development roads and trails be used by the Secretary of Agriculture to pay for the costs of construction and maintenance thereof, including roads and trails on experimental and other areas under Forest Service administration, or for adjacent vehicular parking areas and sanitary, water, and fire control facilities. Authorizes the Secretary of Agriculture to enter into contracts with a state or civil subdivision thereof, and issue such regulations, as he deems desirable.

Forest and Rangeland Renewable Resources Planning Act of August 17, 1974

<http://www4.law.cornell.edu/uscode/16/ch36.html>

Directs the Secretary of Agriculture to prepare a Renewable Resource Assessment every ten years; to transmit a recommended Renewable Resources Program to the President every five years; to develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System; and to ensure that the development and administration of the resources of the National Forest System are in full accord with the concepts of multiple use and sustained yield.

Freedom of Information Act of November 21, 1974

<http://www4.law.cornell.edu/uscode/unframed/5/ch5.html>

Governs which government records are released to the public either automatically or upon request.

Geothermal Steam Act of December 24, 1970

<http://www4.law.cornell.edu/uscode/30/1001.html>

Authorizes the Secretary of the Interior to issue leases for the development and utilization of geothermal steam and associated geothermal resources in any lands administered by him or by the Department of Agriculture, and to prescribe such rules and regulations, as he deems appropriate to carry out the provisions of the Act.

Granger-Thye Act of April 24, 1950

<http://www4.law.cornell.edu/uscode/16/581i-1.html>

Authorizes the Forest Service to spend appropriated funds on buildings, lookout towers, and other structures on lands owned by states, counties, municipalities, or other political subdivisions, corporations, or individuals; to procure and operate aerial facilities and services for the protection of National Forests; to cooperate with and assist public and private agencies, organizations, institutions, and individuals in performing work on non-Forest land for the administration, protection, improvement, reforestation, and other kinds of work as the Forest Service is authorized to do on Forest land; to deposit sums from timber purchases to cover the costs of disposing of brush and debris; to permit the use of structures under its control; to sell nursery stock; and other purposes.

Historic Sites Act of 1935

<http://www4.law.cornell.edu/uscode/16/461.html>

Establishes a policy to preserve for public use historic sites, buildings, and objects of national significance for the benefit of the people.

Joint Surveys of Watershed Areas Act of September 5, 1962

<http://www4.law.cornell.edu/uscode/16/1009.html>

Authorizes and directs the Secretaries of the Army and Agriculture to make joint investigations and surveys of watershed areas in the United States, Puerto Rico, and the Virgin Islands, and to prepare joint reports setting forth their recommendations for improvements needed for flood prevention, for the conservation, development, utilization, and disposal of water, and for flood control.

Kentucky Wilderness Act of 1985

Establishes the Clifty Wilderness and authorizes the Secretary of Agriculture to administer as component of the National Wilderness Preservation System.

Knutson-Vandenberg Act of June 9, 1930

<http://www4.law.cornell.edu/uscode/16/576.html>

Authorizes the Secretary of Agriculture to establish forest tree nurseries; to deposit monies from timber sale purchasers to cover the costs of planting young trees, sowing seed, removing undesirable trees or other growth, and protecting and improving the future productivity of the land; and to furnish seedlings and/or young trees for the replanting of burned-over areas in any National Forest.

Land Acquisition Act of March 3, 1925

<http://www.wildrockies.org/appeals/68-575.htm>

Authorizes the Secretary of Agriculture to purchase land for National Forest headquarters, Ranger Stations, dwellings, or other sites required for the effective performance of the authorized activities of the Forest Service.

Land Acquisition-Declaration of Taking Act of February 26, 1931

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=40&sec=258a

Provides for the immediate transfer of land to the United States and for just compensation for such lands.

Land Acquisition – Title Adjustment Act of July 8, 1943

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=7&sec=2253

Authorizes the Secretary of Agriculture to execute and deliver title adjustments if, after the acquisition of the land, the title thereto is legally insufficient for the purposes for which the land was acquired or if the land was acquired through mistake, misunderstanding, error, or inadvertence.

Land and Water Conservation Fund Act of September 3, 1964

<http://www4.law.cornell.edu/uscode/16/460l-4.html> <http://classweb.gmu.edu/jkozlows/lwcfregs.htm>

Authorizes the appropriation of funds for federal assistance to states in planning, acquisition, and development of needed land and water areas and facilities and for the federal acquisition and development of certain lands and other areas for the purposes of preserving, developing, and assuring accessibility to outdoor recreation resources.

Law Enforcement Authority Act of March 3, 1905

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sce=559

Authorizes all Forest Service employees to make arrests for the violation of the laws and regulations relating to the national forests.

Leases Around Reservoirs Act of March 3, 1962

<http://www4.law.cornell.edu/uscode/16/460d-2.html>

Authorizes the Secretary of Agriculture to amend any lease with respect to lands under the jurisdiction of the Forest Service providing for the construction, maintenance, and operation of commercial recreational facilities at a federal reservoir project so as to provide for the adjustment of the amount of rental or other consideration payable to the United States under such lease.

Migratory Bird Treaty Act, of November 19, 1976 - 16 USC 703-712

<http://www4.law.cornell.edu/uscode/16/703.html>

Prohibits “by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof...” On July 18, 2000, the United States Court of Appeals for the District of Columbia ruled that Federal agencies are subject to the provisions of the Migratory Bird Treaty Act (MBTA). The U.S. Fish and Wildlife Service (FWS) now consider the prohibitions of the MBTA to apply equally to Federal and non-federal entities.

Mineral Leasing Act of February 25, 1920

<http://ipl.unm.edu/cwl/fedbook/minerall.html>

Provides that the deposits of certain minerals on land owned by the United States shall be subject to lease to citizens of the United States, provided royalties on such deposits are paid to the United States.

Mineral Leasing Act for Acquired Lands Act of August 7, 1947

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=30&sec=351

Extended the provisions of the “mineral leasing laws” to those lands previously acquired by the United States for which they had not been extended, and lands thereafter acquired by the United States.

Mineral Resources on Weeks Law Lands Act of March 4, 1917

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sec=520

Authorizes the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the Weeks Law.

Mineral Springs Leasing Act of February 28, 1899

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sec=495

Authorizes the Secretary of Agriculture to rent or lease to responsible persons suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs within any National Forest where the public is accustomed to or desires to frequent for health or pleasure.

Mining Claims Rights Restoration Act of August 11, 1955

<http://www4.law.cornell.edu/uscode/30/621.html>

States that all public lands belonging to the United States which have been withdrawn or reserved for power development or power sites shall be open to entry for location and patent of mining claims and mineral development, subject to certain conditions.

Mining and Minerals Policy Act of December 31, 1970

<http://www4.law.cornell.edu/uscode/30/21a.html>

States that it is the policy of the federal government to foster and encourage the development of economically sound and stable domestic mining, minerals, metal, and mineral reclamation industries; the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security, and environmental needs; mining, mineral, and metallurgical research to promote the wise and efficient use of our natural and reclaimable mineral resources; and the study and development of methods for the disposal, control, and reclamation of mineral waste products and the reclamation of mined land.

Multiple-Use Sustained-Yield Act of June 12, 1960

<http://ipl.unm.edu/cwl/fedbook/multiu.html>

States that it is the policy of Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes, and authorizes and directs the Secretary of Agriculture to develop and administer the renewable surface resources of the national forests for the multiple use and sustained yield of the products and services obtained there from.

National Energy Conservation Policy Act of 2001

<http://www4.law.cornell.edu/uscode/42/ch91.html>

This statute provides for the regulation of interstate commerce, to reduce the growth in demand for energy in the United States, and to conserve nonrenewable energy resources produced in this Nation and elsewhere, without inhibiting beneficial economic growth.

National Environmental Education Act of November 16, 1970

<http://ipl.unm.edu/cwl/fedbook/natened.html>

Enacted to establish and support a program of environmental education for students and personnel working with students in schools, institutions of higher education, and related educational facilities, and to encourage postsecondary students to pursue careers related to the environment.

National Environmental Policy Act of January 1, 1970

<http://es.epa.gov/oeca/ofa/nepa.html>

Directs all federal agencies to consider and report the potential environmental impacts of proposed federal actions, and established the Council on Environmental Quality.

National 1990 Farm Bill (title XII – Forest Stewardship Act) Act of November 28, 1990

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sec=582a

Directs the Secretary of Agriculture to establish a competitive forestry, natural resources, and environmental grants program, and provides for other research programs.

National Forest Management Act of October 22, 1976

<http://ipl.unm.edu/cwl/fedbook/nfma.html>

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.

National Forest Roads and Trails Act of October 13, 1964

http://www.house.gov/resources/105cong/reports/105_a/roads_.pdf

Authorizes the Secretary of Agriculture to provide for the acquisition, construction, and maintenance of forest development roads within and near the National Forests through the use of appropriated funds, deposits from timber sale purchasers, cooperative financing with other public agencies, or a combination of these methods. The Act also authorizes the Secretary to grant rights-of-way and easements over national forest lands.

National Historic Preservation Act of December 12, 1966 as amended

<http://www2.cr.nps.gov/laws/NHPA1966.html>

Authorized the federal government to accelerate its historic preservation programs and activities; to give maximum encouragement to agencies and individuals undertaking preservation by private means; and to assist state and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

National Trails System Act of October 2, 1968

<http://ipl.unm.edu/cwl/fedbook/nattrail.html>

Established a national system of recreation, scenic, and historic trails by designating the initial components of the system and prescribing the methods and standards through which additional components may be added.

Native American Graves Protection and Repatriation Act of November 16, 1990

<http://www4.law.cornell.edu/uscode/25/3001.html>

Directs that the ownership and control of Native American human remains and objects shall be given to the ancestors of the Native American or to the appropriate Native American tribe.

Occupancy Permits Act of March 4, 1915

[http://www.wy.blm.gov/Information/fai/wynf.0001\(99\).pdf](http://www.wy.blm.gov/Information/fai/wynf.0001(99).pdf)

<http://www.wildrockies.org/appeals/63-293.htm>

Authorizes the Secretary of Agriculture to permit, under such regulations as he may prescribe, the use and occupancy of suitable areas of land within the National Forests for the purpose of constructing or maintaining hotels, resorts, or other structures necessary or desirable for recreation, public convenience, or safety; to permit the use and occupancy of suitable land for the purpose of constructing or maintaining summer homes; to permit the use and occupancy of suitable land for the purpose of constructing or maintaining buildings, structures, and facilities for industrial or commercial purposes when such use is consistent with other uses of the National Forest; and to permit any state or political subdivision thereof to use or occupy suitable land for the purpose of constructing or maintaining buildings, structures, or facilities necessary or desirable for education or for any other public use or in connection with any other public activity.

Oil and Gas Leasing Reform Act of 1987

<http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR03545:@@D|TOM:/bss/d100query.html>

Amended the Mineral Lands Leasing Act of 1920 regarding competitive leasing of oil and gas for onshore federal lands. Sets forth guidelines for the promulgation of regulations regarding lease sales, and prohibits the issuance of oil or gas leases upon certain lands allocated or designated as Wilderness areas.

Organic Administration Act of June 4, 1897

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sec=473

Authorizes the President to modify or revoke any instrument creating a National Forest; states that no National Forest may be established except to improve and protect the forest within its boundaries, for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States. Authorizes the Secretary of Agriculture to promulgate rules and regulations to regulate the use and occupancy of the National Forests.

Pipelines Act of February 25, 1920

<http://www4.law.cornell.edu/uscode/30/185.html>

Authorizes the Secretary of the Interior or appropriate agency head to grant rights-of-way through any federal lands for pipeline purposes for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced there from to any applicant possessing the qualifications provided in the Act.

Preservation of Historical and Archaeological Data Act of May 24, 1974

<http://www2.cr.nps.gov/laws/archpreserv.htm>

Authorizes the Secretary of the Interior to undertake the recovery, protection, and preservation of significant scientific, prehistorically, historical, or archeological data whenever any federal agency finds or is notified that activities in connection with any federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of such data.

Public Buildings Cooperative Use Act of 1976

http://caselaw.lp.findlaw.com/casecode/uscodes/40/chapters/12/sections/section_601a.html

Authorizes the federal government to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives; to encourage the location of commercial, cultural, educational, and recreational facilities and activities within public buildings; to provide and maintain space, facilities, and activities, to the extent practicable, which encourages public access to and stimulates public pedestrian traffic around, into, and through public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that such activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and to encourage the public use of public buildings for cultural, educational, and recreational activities.

Public Land Surveys Act of March 3, 1899

<http://www4.law.cornell.edu/uscode/16/488.text.html>

<http://www.lib.duke.edu/forest/usfscoll/092-097.htm>

Provides that all standard, meander, township, and section lines of the public land surveys shall be established under the direction and supervision of the Commissioner of the General Land Office, whether the lands to be surveyed are within or without reservations, except that where the exterior boundaries of public forest reservations are required to be coincident with standard, township, or section lines, such boundaries may, if not previously established in the ordinary course of the public land surveys, be established and marked under the supervision of the Director of the United States Geological Survey. This act made the surveying of forest-reserve lands identical, in all but the establishment of boundaries, with that of the public domain.

Public Rangelands Improvement Act of October 25, 1978

http://caselaw.lp.findlaw.com/casecode/uscodes/43/chapters/37/sections/section_1901.html

Establishes and reaffirms the national policy and commitment to inventory and identify current public rangeland conditions and trends; manage, maintain and improve the condition of public rangelands so that they become as productive as feasible for all rangeland values in accordance with management objectives and the land use planning process; charge a fee for public grazing use which is equitable; continue the policy of protecting wild free-roaming horses and burros from capture, branding, harassment, or death, while at the same time facilitating the removal and disposal of excess wild free-roaming horses and burros which pose a threat to themselves and their habitat and to other rangeland values.

Rehabilitation Act of 1973, as amended

http://caselaw.lp.findlaw.com/casecode/uscodes/29/chapters/16/miscs/0/sections/section_701.html

States that it is national policy that the federal government plays a leadership role in promoting the employment of individuals with disabilities, and in assisting states and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

Renewable Resources Extension Act of June 30, 1978

http://caselaw.lp.findlaw.com/casecode/uscodes/16/chapters/36/subchapters/iii/sections/section_1671.html

Authorizes and directs the Secretary of Agriculture, in cooperation with the state Directors of the Cooperative Extension Service programs, to provide educational programs relating to forest and rangeland renewable resources.

Reorganization Plan Numbered 3 of 1946

http://www.access.gpo.gov/uscode/title5a/5a_4_8_1_.html

Creates the Environmental Protection Agency (EPA), abolishes the Federal Water Quality Administration under the Department of the Interior, and transfers those functions to the EPA.

Research Grants Act of September 6, 1958

<http://laws.fws.gov/lawsdigest/research.html>

Authorizes the Secretary of the Interior to enter into contracts with educational institutions, public or private agencies or organizations, or persons to conduct scientific or technological research.

Resource Conservation and Recovery Act (RCRA) of 1976

<http://www.epa.gov/epaoswer/general/orientat/romexsum.pdf>

Addresses the huge volumes of municipal and industrial solid waste generated nationwide. After several amendments, the Act as it stands today governs the management of solid and hazardous waste and underground storage tanks.

Right of Eminent Domain Act of August 1, 1888

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=40&sec=257

Grants the Secretary of the Treasury or any other officer of the government who has been authorized to procure real estate for the erection of a building or for other public uses the authority to acquire such real estate by condemnation, provided such acquisition is otherwise authorized by statute.

Rural Development Act of August 30, 1972

<http://www.reeusda.gov/1700/legis/ruraldev.htm>

Enacted to provide multi-state regional agencies, states, counties, cities, multi-county planning and development districts, businesses, industries, Indian tribes on federal and state reservations or other federally recognized Indian tribal groups and others involved with public services and investments in rural areas or that provide or may provide employment in these areas the best available scientific, technical, economic, organizational, environmental, and management information and knowledge useful to them, and to assist and encourage them in the interpretation and application of this information to practical problems and needs in rural development.

Safe Drinking Water Amendments of November 18, 1977

<http://thomas.loc.gov/cgi-bin/bdquery/z?d095:SN01528:|TOM:/bss/d095query.html>

Amended the Safe Drinking Water Act to authorize appropriations for research conducted by the Environmental Protection Agency relating to safe drinking water; federal grants to states for public water system supervision programs and underground water source protection programs; and grants to assist special studies relating to the provision of a safe supply of drinking water.

Secure Rural Schools and Community Self-Determination Act of 2000

<http://www.fs.fed.us/r10/payments/>

Through this law the Forest Service gives rural communities the means to build and improve schools, provide road maintenance, emergency services, and conservation programs for their citizens. Thus, communities are no longer dependent on federal timber sales from national forests to improve local schools and roads.

Sikes Act of October 18, 1974

<http://laws.fws.gov/lawsdigest/sikes.html>

<http://www4.law.cornell.edu/uscode/16/670a.html>

Provides for cooperation between the Secretary of Defense and the Secretary of the Interior to provide for conservation and rehabilitation of natural resources on military installations.

Small Tracts Act of January 22, 1983

<http://www4.law.cornell.edu/uscode/16/521e.html>

Authorizes the Secretary of Agriculture to sell, exchange, or interchange by quitclaim deed all right, title and interest, including the mineral estate, of the United States in and to certain lands within the National Forest when he determines it to be in the public interest.

Smokey Bear Act of May 23, 1952

http://caselaw.lp.findlaw.com/cascode/uscodes/18/parts/i/chapters/33/sections/section_711.html

Prohibits the unauthorized use of the “Smokey Bear” character or name.

Soil and Water Resources Conservation Act of November 18, 1977

<http://ipl.unm.edu/cwl/fedbook/soilwate.html>

Provides for a continuing appraisal of the United State's soil, water and related resources, including fish and wildlife habitats, and a soil and water conservation program to assist landowners and land users in furthering soil and water conservation.

Solid Waste Disposal (Resource Conservation & Recovery Act) Act of October 21, 1976

<http://www4.law.cornell.edu/uscode/42/6901.html>

Promotes the protection of health and the environment and the conservation of valuable material and energy resources by providing technical and financial assistance to state and local governments and interstate agencies for the improvement of solid waste management techniques.

Supplemental National Forest Reforestation Fund Act of September 18, 1972

<http://www4.law.cornell.edu/uscode/16/576c.html>

Directs the Secretary of Agriculture to establish a supplemental national reforestation fund, and states that money transferred to this fund shall be available to the Secretary for the purpose of supplementing programs of tree planting and seeding on National Forest lands determined by the Secretary to be in need of reforestation.

Surface Mining Control and Reclamation Act of August 3, 1977

http://caselaw.lp.findlaw.com/cascode/uscodes/30/chapters/25/subchapters/i/sections/section_1201.html

Authorizes the Secretary of Agriculture to enter into agreements with landowners, providing for land stabilization, erosion, and sediment control, and reclamation through conservation treatment, including measures for the conservation and development of soil, water, woodland, wildlife, and recreation resources, and agricultural productivity of such lands.

Sustained Yield Forest Management Act of March 29, 1944

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sec=583

Authorizes the Secretaries of Agriculture and the Interior to establish by formal declaration cooperative sustained-yield units which shall consist of federally owned or administered forest land under their jurisdiction and, in addition thereto, land which reasonably may be expected to be made the subject of one or more of the cooperative agreements with private landowners authorized by Section 2 of the Act in order to promote the stability of forest industries, of employment, of communities, and of taxable forest wealth through continuous supplies of timber and forest products; and in order to secure the benefits of forests in the maintenance of water supply, regulation of stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife.

Timber Export Act of March 4, 1917

http://www.fs.fed.us/r10/chugach/revision/pdfs/timber_export_act.pdf

Permits the Secretary of Agriculture to allow timber or other forest products to be cut or removed from a national forest and exported from the state or territory in which that national forest is situated.

Timber Exportation Act of April 12, 1926

<http://www4.law.cornell.edu/uscode/16/617.html>

Authorizes the exportation of lawfully cut timber from the state or territory where grown if the supply of timber for local use will not be endangered, and authorizes the Secretary to issue rules and regulations to carry out the provisions of the Act.

Title Adjustment Act of April 28, 1930

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=43&sec=872

Authorizes the Secretaries of the Interior and Agriculture to execute a quitclaim deed where an application for a conveyance of land has been withdrawn or rejected.

Toxic Substances Control Act of October 11, 1976

http://caselaw.lp.findlaw.com/cascode/uscodes/15/chapters/53/subchapters/i/sections/section_2601.html

Grants the Administrator of the Environmental Protection Agency the authority to regulate chemical substances and mixtures, which present an unreasonable risk of injury to the public health or the environment, and to take action with respect to chemical substances and mixtures, which are imminent hazards.

Transfer Act of February 1, 1905

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sec=472

Transferred the management and control of the Forest Reserves from the General Land Office (GLO) in the Department of the Interior to the Bureau of Forestry in the Department of Agriculture.

Twenty-Five Percent Fund Act of May 23, 1908

<http://www.wildrockies.org/appeals/60-136.htm>

Provides that twenty-five percent of all monies received from the sale of timber or other forest products shall be paid to the state in which such forest is located to be expended as the state may prescribe for the benefit of public schools and roads.

Uniform Federal Accessibility Standards U.S. Criminal Code (18 USC Chapter 91 – Public Lands) Act of June 25, 1948

<http://www.wildrockies.org/appeals/80-772.htm>

<http://caselaw.lp.findlaw.com/cascode/uscodes/18/parts/i/chapters/91/toc.html>

Defines the crimes and criminal procedure for crimes committed against public lands.

U.S. Mining Laws (Public Domain Lands) Act of May 10, 1872 - 30 USC 22, 28, 28b

<http://www4.law.cornell.edu/uscode/30/22.html>

Provides that all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are free and open to exploration and purchase, and the lands in which they are found to occupation and purchase by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners, so far as the same are applicable and not inconsistent with the laws of the United States. There are a number of Acts which modify the mining laws as applied to local areas by prohibiting entry altogether or by limiting or restricting the use which may be made of the surface and the right, title, or interest which may pass through patent.

Volunteers in the National Forests Act of May 18, 1972

<http://www4.law.cornell.edu/uscode/16/558a.html>

Authorizes the Secretary of Agriculture to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretary through the Forest Service.

Water Quality Improvement Act of April 3, 1970

<http://laws.fws.gov/lawsdigest/fwatrpo.html>

Amends the prohibitions of oil discharges, authorizes the President to determine quantities of oil which would be harmful to the public health or welfare of the United States; to publish a National Contingency Plan to provide for coordinated action to minimize damage from oil discharges. Requires performance standards for marine sanitation device and authorizes demonstration projects to control acid or other mine pollution, and to control water pollution within the watersheds of the Great Lakes. Requires that applicants for federal permits for activities involving discharges into navigable waters provide state certification that they will not violate applicable water quality standards.

Water Resources Planning Act of July 22, 1965

<http://www4.law.cornell.edu/uscode/42/1962.html>

Encourages the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the federal government, states, localities, and private enterprises.

Watershed Protection and Flood Prevention Act of August 4, 1954

<http://www4.law.cornell.edu/uscode/16/1001.html>

Establishes policy that the federal government should cooperate with states and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purposes of preventing erosion, floodwater, and sediment damages in the

watersheds of the rivers and streams of the United States; furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land; and thereby preserving, protecting, and improving the Nation's land and water resources and the quality of the environment.

Weeks Act Status for Certain Lands Act of September 2, 1958

<http://www4.law.cornell.edu/uscode/16/521a.html>

Subjects all lands of the United States within the exterior boundaries of national forests which were or hereafter are acquired for or in connection with the national forests or transferred to the Forest Service for administration and protection substantially in accordance with national forest regulations, policies, and procedures, excepting (a) lands reserved from the public domain or acquired pursuant to laws authorizing the exchange of land or timber reserved from or part of the public domain, and (b) lands within the official limits of towns or cities, notwithstanding the provisions of any other Act, to the provisions of the Weeks Act of March 1, 1911 (36 Stat. 961), as amended, and to all laws, rules, and regulations applicable to national forest lands acquired there under.

Weeks Act of March 1, 1911

http://www.house.gov/resources/105cong/reports/105_a/weeks_.pdf

Authorizes the Secretary of Agriculture to purchase lands within the watersheds of navigable streams in order to promote regulation of the flow of navigable streams or for the production of timber, provided the legislature of the state in which the lands are located consents to the acquisition. This law is the primary land acquisition authority for the Forest Service.

Wild and Scenic Rivers Act of October 2, 1968

<http://www4.law.cornell.edu/uscode/16/1271.html>

Instituted a National Wild and Scenic Rivers System by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

Wilderness Act of September 3, 1964

<http://www4.law.cornell.edu/uscode/16/1131.html>

Established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas" and administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as Wilderness. Provides for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness. States that no federal lands shall be designated as "wilderness areas" except as provided for in the Act or by a subsequent Act.

Wildlife Game Refuges Act of August 11, 1916

http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=16&sec=683

Authorizes the President of the United States to set aside lands for the protection of game animals, birds, or fish; and prohibits the hunting, catching, trapping, willful disturbance, or killing of any kind of game animal, game or non-game bird, or fish, or the taking of eggs of any such bird on any lands so set aside or in or on the waters thereof.

Wood Residue Utilization Act December 19, 1980

<http://caselaw.lp.findlaw.com/casecode/uscodes/16/chapters/36/subchapters/iv/toc.html>

Enacted to develop, demonstrate, and make available information on feasible methods that have the potential for commercial application to increase and improve utilization in residential, commercial, and industrial or power plant applications of wood residues resulting from timber harvesting and forest protection and management activities occurring on public and private forest lands, and from the manufacture of forest products, including wood pulp.

Woodsy Owl/Smokey Bear Act of June 22, 1974

http://caselaw.lp.findlaw.com/casecode/uscodes/18/parts/i/chapters/33/sections/section_711a.html

Prohibits the unauthorized manufacture, reproduction, or use of the character "Woodsy Owl," the name "Woodsy Owl," or the associated slogan "Give a Hoot, Don't Pollute." Also prohibits the unauthorized manufacture, reproduction, or use of the character "Smokey Bear" or the name "Smokey Bear", or a facsimile or simulation of such character or name.

Youth Conservation Corps Act of August 13, 1970

<http://www4.law.cornell.edu/uscode/16/1701.html>

Establishes a Youth Conservation Corps whom the Secretaries of the Interior or Agriculture may employ without regard to the civil service or classification laws, rules, or regulations for the purpose of developing, preserving, or maintaining the lands and waters of the United States.

REGULATIONS

33 CFR 323 Permits for Discharges of Dredged or Fill Material into Waters of the United States

<http://www4.law.cornell.edu/cfr/33p323.htm#33p323s>

This regulation prescribes those special policies, practices and procedures to be followed by the Corps of Engineers in connection with the review of applications for permits to authorize the discharge of dredged or fill material into waters of the United States.

36 CFR 60 National Register of Historic Places

<http://www4.law.cornell.edu/cfr/36p60.htm#start>

Sets forth the procedural requirements for listing properties on the National Register.

36 CFR 63 Determinations of Eligibility for Inclusion in the National Register of Historic Places

<http://www4.law.cornell.edu/cfr/36p63.htm#start>

Developed to assist agencies in identifying and evaluating the eligibility of properties for inclusion in the National Register and to explain how to request determinations of eligibility.

36 CFR 65 National Historic Landmarks Program

<http://www4.law.cornell.edu/cfr/36p65.htm#start>

Sets forth the criteria for establishing national significance and the procedures used by the Department of the Interior for conducting the National Historic Landmarks Program.

36 CFR 68 The Secretary of the Interior's Standards for Historic Preservation Projects

<http://www4.law.cornell.edu/cfr/36p68.htm#start>

Sets forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration, and reconstruction. These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund.

36 CFR 212 Forest Development Transportation System

<http://www4.law.cornell.edu/cfr/36p212.htm#start>

Sets forth the requirements for the development and administration of the forest development transportation system.

36 CFR 213 Administration Under Bank-Jones Act

<http://www4.law.cornell.edu/cfr/36p213.htm#start>

Sets forth the requirements relating to the designation, administration, and development of National Grasslands.

36 CFR 219 Planning

<http://www4.law.cornell.edu/cfr/36p219.htm#start>

Sets forth a process for developing, adopting, and revising land and resource management plans for the National Forest System.

36 CFR 221 Timber Management Planning

<http://www4.law.cornell.edu/cfr/36p221.htm#start>

Sets forth the requirements for management plans for National Forest timber resources.

36 CFR 222 Range Management

<http://www4.law.cornell.edu/cfr/36p222.htm#start>

Sets forth the requirements for range management on the National Forests, and for the administration of wild and free-roaming horses and burros and their environment.

36 CFR 223 Sale and Disposal of National Forest System Timber

<http://www4.law.cornell.edu/cfr/36p223.htm#start>

Sets forth the requirements relating to the sale and disposal of National Forest System timber.

36 CFR 228 Minerals

<http://www4.law.cornell.edu/cfr/36p228.htm#start>

Sets forth the rules and procedures through which use of the surface of National Forest System lands, in connection with mining and mineral operations, shall be conducted so as to minimize adverse environmental impacts on National Forest System surface resources.

36 CFR 241 Fish and Wildlife

<http://www4.law.cornell.edu/cfr/36p241.htm#start>

Sets forth the rules and procedures relating to the management, conservation, and protection of fish and wildlife resources on National Forest System lands.

36 CFR 251 Land Uses

<http://www4.law.cornell.edu/cfr/36p251.htm#start>

Sets forth the rules and procedures relating to the use and occupancy of National Forest System lands.

36 CFR 254 Landownership Adjustments

<http://www4.law.cornell.edu/cfr/36p254.htm#start>

Sets forth the rules and procedures relating to exchange and conveyance of National Forest System lands.

36 CFR 261 Prohibitions

<http://www4.law.cornell.edu/cfr/36p261.htm#start>

Sets forth the general prohibitions relating to the use and occupancy of National Forest System lands.

36 CFR 290 Cave Resource Management

<http://lula.law.cornell.edu/cfr/cfr.php?title=36&type=part&value=290>

Implements the provisions of the Federal Cave Resources Protection Act of 1988. Significant Caves are defined and a process for nominating Significant Caves is provided.

36 CFR 291 Occupancy and Use of Developed Sites and Areas of Concentrated Public Use

<http://www4.law.cornell.edu/cfr/36p291.htm#start>

Provides for fees charged for the occupancy and use of developed sites and areas of concentrated public use.

36 CFR 292 National Recreation Areas

<http://www4.law.cornell.edu/cfr/36p292.htm#start>

Sets forth the requirements for the administration of National Recreation Areas.

36 CFR 293 Wilderness-Primitive Areas

<http://www4.law.cornell.edu/cfr/36p293.htm#start>

Sets forth the requirements for the administration of Wilderness and primitive areas.

36 CFR 294 Special Areas

<http://www4.law.cornell.edu/cfr/36p294.htm#start>

Sets forth the requirements for designation of special recreation areas.

36 CFR 295 Use of Motor Vehicles Off Forest Development Road

<http://www4.law.cornell.edu/cfr/36p295.htm#start>

Sets forth the rules and procedures relating to the administrative designation and location of specific areas and trails of National Forest System lands on which the use of motor vehicles traveling off of National Forest development roads is allowed.

36 CFR 296 Protection of Archaeological Resources

<http://www4.law.cornell.edu/cfr/36p296.htm#start>

Implements the provisions of the Archaeological Resources Protection Act.

36 CFR 297 Wild and Scenic Rivers

<http://www4.law.cornell.edu/cfr/36p297.htm#start>

Sets forth the rules and procedures relating to federal assistance in the construction of water resources projects affecting Wild and Scenic Rivers or study rivers on lands administered by the Secretary of Agriculture.

36 CFR 800 Implementing regulations for Section 106 of the National Historic Preservation Act

<http://lula.law.cornell.edu/cfr/cfr.php?title=36&type=part&value=800>

Implementing regulations for Section 106 of the National Historic Preservation Act (36 CFR 800) offer regulatory alternatives to the Section 106 review process called Programmatic Agreements (PA). The forest may satisfy its Section 106 responsibilities through a PA executed by the Forest Supervisor, the State Historic Preservation Officer and the Advisory Council on Historic Preservation. A PA executed in conformance with 36 CFR 800 may provide alternative procedures that are tailored to free the Forest Supervisor from most case-by-case reviews and speeds up routine compliance.

40 CFR 121-135 Water Programs

<http://www4.law.cornell.edu/cfr/40p121.htm#40p121s>

Sets forth the provisions for the administration of water programs including: State certification of activities requiring a federal license or permit; EPA administered permit programs; State program requirements; procedures for decision making; criteria and standards for the National Pollutant Discharge Elimination System; toxic pollutant effluent standards; water quality planning and management; water quality standards; water quality guidance for the Great Lakes System; secondary treatment regulation; and, prior notice of citizen suits. Title 40 (Protection of Environment), Chapter 1 (Environmental Protection Agency), subchapter D (Water Programs).

40 CFR 1500 Council on Environmental Quality

<http://www4.law.cornell.edu/cfr/40p1500.htm#start>

Council on Environmental Quality regulations implementing the National Environmental Policy Act.

43 CFR 10 Native American Graves Protection and Repatriation Act Regulations

<http://www4.law.cornell.edu/cfr/43p10.htm#43p10s>

Implements the provisions of the Native American Graves Protection and Repatriation Act of 1990.

50 CFR 21; and 50 CFR 13. Migratory Birds

<http://www4.law.cornell.edu/cfr/50p21.htm#start>

<http://www4.law.cornell.edu/cfr/50p13.htm#start>

The FWS has long-standing regulations that provide for permits to allow certain activities that are otherwise prohibited by the MBTA. These regulations authorize the issuance of permits to take, possess, and transport migratory birds for scientific collecting, control of depredating birds or birds posing a threat to human health and safety, and other activities specified in part 21 of title 50 of the Code of Federal Regulations (50 CFR 21).

EXECUTIVE ORDERS

EO 11593 Protection and Enhancement of Cultural Environment

<http://archnet.asu.edu/archnet/topical/crm/usdocs/execord.htm>

States that the federal government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation, and that federal agencies shall administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people; and, in consultation with the Advisory Council on Historic Preservation, institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

EO 11990 Protection of Wetlands

<http://hydra.gsa.gov/pbs/pt/call-in/eo11990.htm>

Requires each federal agency to provide leadership and to take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for acquiring, managing, and disposing of federal lands and facilities; providing federally undertaken, financed, or assisted construction and improvements; and conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

EO 11644 Use of Off-Road Vehicles (amended by EO 11989)

<http://www.nara.gov/fedreg/codific/eos/e11644.html>

Establishes policies and provides for procedures that ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

EO 11988 Flood Plain Management

<http://hydra.gsa.gov/pbs/pt/call-in/eo11988.htm>

Requires each federal agency to provide leadership and to take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities for acquiring, managing, and disposing of federal lands and facilities; providing federally undertaken, financed, or assisted construction and improvements; and conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

EO 12088 Federal Compliance with Pollution Control Standards (Amend. EO 12580, 1/23/1987)

<http://hydra.gasa.gov/pbs/pt/call-in/eo12088.htm>

Delegates responsibility to the head of each executive agency for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution. This order gives the Environmental Protection Agency authority to conduct reviews and inspections to monitor Federal facility compliance with pollution control standards.

EO 12372 Intergovernmental Review of Federal Programs

<http://www.nara.gov/fedreg/codific/eos/e12372.html>

Issued to foster an intergovernmental partnership and a strengthened federalism by relying on State and local government coordination and review of proposed Federal financial assistance and direct federal development. It requires federal agencies to provide opportunities for consultation by elected officials of those State and local governments that would provide the non-federal funds for, or that would be directly affected by, proposed federal financial assistance or direct federal development. It also allows states to develop their own process or refine existing processes for state and local elected officials to use in reviewing and coordinating proposed federal financial assistance and direct federal development.

EO 12580 Superfund Implementation

<http://envirotext.eh.doe.gov/data/eos/reagan/19870123.html>

The President, through this Executive Order, delegated the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. 9601 et. seq.) authority to the heads of the respective federal land management agencies. Another executive order allowed further delegation within the Department of Agriculture from the Secretary of Agriculture to the Chief of the Forest Service, who in turn has delegated the authority to the Regional Forester. Land management agencies will serve as the lead when implementing CERCLA on the lands they administer.

EO 12862 Setting Customer Service Standards

<http://www.usbr.gov/laws/eo12862.html>

<http://govinfo.library.unt.edu/npr/library/direct/orders/2222.html>

Requires all executive departments and agencies that provide significant services directly to the public to provide those services in a manner that seeks to meet the customer service standard established in the Order, and requires agencies to identify customers, survey customers and front-line employees to determine the kind and quality of services needed and barriers to those services, benchmark customer service performance against the best in the business, make information, services, and complaint systems easily accessible, and provide a means to address customer complaints.

EO 12898 Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

<http://www.fs.fed.us/land/envjust.html>

Addresses Environmental Justice in minority and low-income populations and is designed to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. The order is also intended to promote non-discrimination in Federal programs substantially affecting human health and the environment, and to provide minority communities and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.

EO 13007 Indian Sacred Sites

<http://hydra.gsa.gov/pbs/pt/call-in/eo13007.htm>

Requires each executive branch agency with statutory or administrative responsibility for the management of federal lands, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.

EO 13175 Consultation and Coordination with Indian Tribal Governments

http://www.blm.gov/nhp/news/regulatory/EOs/eo_13175.html

Recognizes the unique legal relationship between the United States government and Indian tribal governments as set forth in the U.S. Constitution, treaties, statutes, Executive Orders, and court decisions. Requires agencies to respect Indian tribal government sovereignty, to have an accountable process to ensure meaningful input into policies having tribal implications, review processes under which Indian tribes apply for waivers of statutory or regulatory requirements, and strive to meet responsibilities arising from the unique Government-to-Government relationship.

EO 13186 Migratory Birds - January 10, 2001

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=fr17ja01-142.pdf

This order outlines the responsibilities of federal agencies to protect migratory birds. The Executive Order will: (1) Enhance coordination and communication among federal agencies regarding their responsibilities under the four bilateral treaties (with Canada, Mexico, Japan, and Russia) on the conservation of birds; (2) Provide broad guidelines on migratory bird conservation responsibilities and require that more detailed guidance be developed via Memoranda of Understanding between the U.S. Fish and Wildlife Service and federal agencies within two years; (3) Incorporate national level planning for bird conservation into agency activities and provide the formal support for agencies to enhance coordination and cooperation; (4) Apply to the Departments and Agencies of the federal government including the Departments of Agriculture, Interior, Commerce, Transportation, Energy, Defense and the Environmental Protection Agency.

EO 13212 Actions to Expedite Energy-Related Projects - May 18, 2001

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=fr22my01-134.pdf

“Actions to Expedite Energy-Related Projects” states: “In general, it is the policy of this Administration that executive departments and agencies shall take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or the conservation of energy.”

This Executive Order addresses the issue of improving the internal management of the Federal Government to effectively and efficiently process lease proposals.

FOREST SERVICE DIRECTIVES

The Forest Service Directives System consists of all Forest Service manuals and handbooks. While the Forest Plan sets the Desired Future Condition of the Forest, the Directives System is the primary basis for the control of all internal programs and serves as the primary source of administrative direction for Forest Service employees. The system sets forth legal authorities, management objectives, policies, responsibilities, delegations, standards, procedures, and other instructions.

The Forest Service Manual (FSM) contains legal authorities, goals, objectives, policies, responsibilities, instructions, and the necessary guidance to plan and execute assigned programs and activities.

Forest Service Handbooks (FSH) is directives that provide instructions and guidance on how to proceed with a specialized phase of a program or activity. Handbooks either are based on a part of the Manual or they incorporate external directives.

A complete listing of the directives can be found in Forest Service Manuals and Forest Service Handbooks at <http://www.fs.fed.us/im/directives/>.



Foot bridge on the Sheltoewe Trace, Stanton Ranger District.