
APPENDIX E RELEVANT LAWS

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Introduction

This appendix lists the statutes, regulations, policies, and agreements that are relevant to forest planning and forest management activities on National Forest System lands.

Forest Service Policies

The following is a partial listing of Forest Service policies relevant to the Forest Plan. A complete listing can be found in the Forest Service Manual (FSM) and the Forest Service Handbook (FSH). Together, these are known as the Forest Service Directives System. The Forest Service Directives System is the primary basis for the management and control of all internal programs, and serves as the primary source of administrative direction to Forest Service employees. The system sets forth legal authorities, management objectives, policies, responsibilities, delegations, standards, procedures, and other instructions.

The Forest Service Manual contains legal authorities, goals, objectives, policies, responsibilities, instructions, and guidance needed on a continuing basis by Forest Service line officers and primary staff, in more than one unit, to plan and execute assigned programs and activities. Forest Service Handbooks are directives that provide instructions and guidance on how to proceed with a specialized phase of a program or activity. Handbooks are either based on a part of the Manual or they incorporate external directives.

The majority of standards and guidelines used to implement Forest Plans are located in the Directives System under the following general headings and codes:

- 1010 Laws, Regulations, and Orders
- 1030 Forest Service Mission
- 1500 External Relations
- 1600 Information Services
- 1900 Planning
- 2060 Eco-system Classification, Interpretation, and Application
- 2070 Biological Diversity (Reserved)
- 2090 Aquatic Ecosystem Management
- 2200 Range Management
- 2300 Recreation, Wilderness, and Related Resource Management
- 2400 Timber Management
- 2500 Watershed and Air Management
- 2600 Wildlife, Fish, and Sensitive Plant Habitat Management

2700 Special Uses Management
2800 Minerals and Geology
3400 Forest Pest Management
5100 Fire Management
5400 Land Ownership
7400 Public Health and Pollution Control Facilities
7500 Water Storage and Transmission
7700 Transportation System

The intent of many Forest-wide standards and guidelines is incorporated into permits that authorize specific uses on the National Forests. General permitting requirements can be referenced as follows:

Minerals FSM 2800
Range Management FSM 2200
Recreation FSM 2300
Special Uses FSM 2700
Timber Management FSM 2400
Transportation System FSM 7700

Federal Laws and Regulations

Statutes

Alaska National Interest Lands Conservation Act of December 2, 1980
American Indian Religious Freedom Act of August 11, 1978
Americans with Disabilities Act of 1990
Anderson-Mansfield Reforestation and Revegetation Act of October 11, 1949
Antiquities Act of June 8, 1906
Archaeological Resources Protection Act of October 31, 1979, as amended 1988
Architectural Barriers Act of 1968
Bankhead-Jones Farm Tenant Act of July 22, 1937
Clarke-McNary Act of June 7, 1924
Clean Air Act of August 7, 1977, as amended (1977 and 1990)
Clean Water Acts (1948-87)
Clean Water Amendments, ("Federal Water Pollution Control Act Amendments of 1972")
Color of Title Act of December 22, 1928
Common Varieties of Mineral Materials Act of July 31, 1947
Cooperative Forestry Assistance Act of July 1, 1978
Disaster Relief Act of May 22, 1974
Eastern Wilderness Act of January 3, 1975
Economy Act of June 30, 1932
Emergency Flood Prevention (Agricultural Credit Act) Act of August 4, 1978
Endangered Species Act (ESA) of December 28, 1973
Energy Security Act of June 30, 1980
Federal Advisory Committee Act of October 6, 1972
Federal Cave Resources Protection Act of November 18, 1988
Federal Insecticide, Rodenticide, and Fungicide Act of October 21, 1972
Federal Land Policy and Management Act of October 21, 1976
Federal Noxious Weed Act of 1974
Federal Plant Protection Act of 2000
Federal Power Act of June 10, 1920

Federal-State Cooperation for Soil Conservation Act of December 22, 1944
Federal Water Pollution Control Act of July 9, 1956, as amended, (Water Quality Act of 1965, Clean Water Restoration Act of 1966)
Federal Water Project Recreation Act of July 9, 1965
Fish and Wildlife Conservation Act of September 15, 1960
Fish and Wildlife Coordination Act of March 10, 1934
Forest Highways Act of August 27, 1958
Forest and Rangeland Renewable Resources Planning Act of August 17, 1974
Freedom of Information Act of November 21, 1974
Granger-Thye Act of April 24, 1950
Historic Sites Act of 1935
Historic Preservation Act of October 15, 1966
Joint Surveys of Watershed Areas Act of September 5, 1962
Knutson-Vandenberg Act of June 9, 1930
Land Acquisition Act of March 3, 1925
Land Acquisition - Declaration of Taking Act of February 26, 1931
Land Acquisition - Title Adjustment Act of July 8, 1943
Land and Water Conservation Fund Act of September 3, 1964
Law Enforcement Authority Act of March 3, 1905
Leases around Reservoirs Act of March 3, 1962
Migratory Bird Treaty Act of July 13, 1918
Minerals Act of July 31, 1947
Mineral Leasing Act of February 25, 1920
Mineral Leasing Act for Acquired Lands Act of August 7, 1947
Mineral Resources on Weeks Law Lands Act of March 4, 1917
Mineral Springs Leasing Act of February 28, 1899
Mining Claims Rights Restoration Act of August 11, 1955
Mining and Minerals Policy Act of December 31, 1970
Multiple-Use Mining Act of July 23, 1955
Multiple-Use Sustained-Yield Act of June 12, 1960
National Environmental Education Act of November 16, 1990
National Environmental Policy Act (NEPA) of January 1, 1970
National 1990 Farm Bill (title XII – Forest Stewardship Act) Act of November 28, 1990
National Forest Management Act (NFMA) of October 22, 1976
National Forest Roads and Trails Act of October 13, 1964
National Historic Preservation Act of October 15, 1966, as amended (1980 and 1992)
National Register of Historic Places
National Trails System Act of October 2, 1968
Native American Graves Protection and Repatriation Act of November 16, 1990
Occupancy Permits Act of March 4, 1915
Oil and Gas Leasing Reform Act of 1987
Organic Administration Act of June 4, 1897
Petrified Wood Act of September 28, 1962
Pipelines Act of February 25, 1920
Planning Rule of January 5, 2005 (70 FR 1023)
Preservation of American Antiquities Act of June 8, 1906
Preservation of Historical and Archaeological Data Act of May 24, 1974
Public Buildings Cooperative Use Act of 1976
Public Land Surveys Act of March 3, 1899
Public Rangelands Improvement Act of October 25, 1978
Rehabilitation Act of 1973, as amended
Renewable Resources Extension Act of June 30, 1978

Reorganization Plan Numbered 3 of 1946
 Research Grants Act of September 6, 1958
 Right of Eminent Domain Act of August 1, 1888
 Rural Development Act of August 30, 1972
 Safe Drinking Water Amendments Act of November 16, 1977
 Shipstead-Newton-Nolan Act of July 10, 1930
 Sikes Act of October 18, 1974
 Small Tracts Act of January 22, 1983
 Soil and Water Resources Conservation Act of November 18, 1977
 Solid Waste Disposal (Resource Conservation & Recovery Act) Act of October 21, 1976
 Supplemental National Forest Reforestation Fund Act of September 18, 1972
 Surface Mining Control And Reclamation Act of August 3, 1977
 Sustained Yield Forest Management Act of March 29, 1944
 Telecommunications Act of February 8, 1996
 Timber Export Act of March 4, 1917
 Timber Exportation Act of April 12, 1926
 Title Adjustment Act of April 28, 1930
 Toxic Substances Control Act of October 11, 1976
 Transfer Act of February 1, 1905
 Twenty-Five Percent Fund Act of May 23, 1908
 Uniform Federal Accessibility Standards US Criminal Code (Title 18 USC Chapter 91 -Public Lands) Act of June 25, 1948
 US Mining Laws (Public Domain Lands) Act of May 10, 1872
 Volunteers in the National Forests Act of May 18, 1972
 Water Quality Improvement Act of April 3, 1965
 Water Resources Planning Act of July 22, 1965
 Watershed Protection and Flood Prevention Act of August 4, 1954
 Weeks Act Status for Certain Lands Act of September 2, 1958
 Weeks Act of March 1, 1911
 Wild and Scenic Rivers Act of October 2, 1968
 Wilderness Act of September 3, 1964
 Wildlife Game Refuges Act of August 11, 1916
 Wood Residue Utilization Act of December 19, 1980
 Woodsy Owl/Smokey Bear Act of June 22, 1974
 Youth Conservation Corps Act of August 13, 1970

Code of Federal Regulations (CFR)

36 CFR 60	National Register of Historic Places
36 CFR 63	Determinations of Eligibility for Inclusion in the National Register of Historic Places
36 CFR 65	National Historic Landmarks Program
36 CFR 68	The Secretary of the Interior's Standards for Historic Preservation Projects
36 CFR 79	Cultural Resources
36 CFR 212	Forest Development Transportation System
36 CFR 213	Administration Under Bank-Jones Act
36 CFR 219	Planning
36 CFR 221	Timber Management Planning
36 CFR 222	Range Management
36 CFR 223	Sale and Disposal of NFS Timber
36 CFR 228	Minerals

36 CFR 241	Fish and Wildlife
36 CFR 251	Land Uses
36 CFR 254	Landownership Adjustments
36 CFR 261	Prohibitions
36 CFR 291	Occupancy and Use of Developed Sites and Areas of Concentrated Public Use
36 CFR 292	National Recreation Areas
36 CFR 293	Wilderness Primitive Areas
36 CFR 294	Special Areas
36 CFR 295	Use of Motor Vehicles off Forest Development Road
36 CFR 296	Protection of Archaeological Resources
36 CFR 297	Wild and Scenic Rivers
36 CFR 800	Protection of Historic Properties
40 CFR 10	Native American Graves Protection and Repatriation Act Regulations
40 CFR 1500-1508	Council on Environmental Quality

Executive Orders (EO)

EO 11593	Protection and Enhancement of Cultural Environment
EO 11990	Protection of Wetlands
EO 11991	Protection and Enhancement of Environmental Quality
EO 11644/11989	Use of Off-Roads Vehicles
EO 11988	Floodplain Management
EO 12113	Independent Water Project Review
EO 12682	Setting Customer Service Standards
EO 12898	Environmental Justice
EO 13007	Indian Sacred Sites
EO 13112	Invasive Species
EO 13186	Migratory Bird Protection
EO 13212	Actions to Expedite Energy Related Projects
EO 13306	Amendment to EO 13212, Actions to Expedite Energy Related Projects

State and Local Laws and Regulations

Vermont Department of Agriculture, Food and Markets. 2002. Quarantine # 3 – Noxious Weeds. Available: <http://www.vermontagriculture.com/noxiousweeds.PDF>.

The Forest Service complies with Vermont State Historic Preservation Office's Guidelines for Conducting Archaeology in Vermont, with specific attention to State Law's cited in Section 1.1 ("Relevant Statutory Authorities").

- 1 VSA Chapter 5, Section 317 (20) [exempts archaeological site information from the "right-to-know" law]
- 13 VSA Chapter 81, Sections 3761, 3764, and 3765 [protects burial sites]
- 18 VSA Chapter 107, Sections 5201 and 5212 [protects burial sites]

Vermont Endangered Species Law (10 V.S.A. Chapter 123)

Vermont Water Quality Standards (2000)

Vermont Water Quality Statutes (10 V.S.A. Chapter 37)

Vermont Wetland Rules (10 V.S.A., Chapter 37)

Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont (1987)

Outstanding Resource Waters (10 V.S.A. Chapter 49, 1424a)

Agreements and Memorandums of Understanding

<u>Cost Share and Cooperative Agreements*</u>	
Partner Name	Purpose
Addison County Regional Planning Commission	Enhance community involvement in the Forest Plan Revision Process
Addison County Sheriff Department	Cooperative Law Enforcement
Batten Kill Watershed Alliance	Implement the strategic plan for the Batten Kill watershed
Bennington County Regional Planning Commission	Enhance community involvement in the Forest Plan Revision Process
Catamount Trail Association	Trail Maintenance & Construction
Moosalamoo Association	Moosalamoo Area Stewardship Project
Natural Resources Conservation Service	Effects of acid deposition on forest soils
Natural Resources Conservation Service	Soils work related to the Leffert's Pond dam restoration project
Rutland County Sheriff Department	Cooperative Law Enforcement
Rutland Regional Planning Commission	Enhance community involvement in the Forest Plan Revision Process
Green Mountain Club	Trail Maintenance & Construction
Town of Weston	Cooperative Road Maintenance
Town of Goshen	Cooperative Road Maintenance
Town of Granville	Cooperative Road Maintenance
Town of Ripton	Cooperative Road Maintenance
Town of Hancock	Cooperative Road Maintenance
Town of Lincoln	Cooperative Road Maintenance
Town of Rochester	Cooperative Road Maintenance
Town of Wallingford	Cooperative Road Maintenance
Two Rivers Ottauquechee	Enhance community involvement in the Forest Plan Revision process
University Of Vermont	Landscape classification
University Of Vermont	Develop a socio-economic assessment for the Forest Plan Revision
University Of Vermont	Effects of habitat fragmentation on carnivore distribution & fitness indicators
University Of Vermont	Investigate long term patterns of trout populations in the Battenkill
University Of Vermont	Coordination of monitoring in Vermont's forested ecosystems
USDA Aerial Photography Field Office	Aerial photography of the forest
Vermont Agency of Transportation	Vermont TIC Signs
Vermont Association of Snow Travelers	Trail Maintenance & Construction
Vermont Department of Public Safety	Cooperative Law Enforcement
Vermont Department of Environmental Education	Geomorphic assessment of the Batten Kill & its tributaries
Vermont Fish & Wildlife Department	Monitor and evaluate seasonal movements & habitat use of the adult brown trout in the Batten Kill
Vermont Institute of Natural Sciences	Conservation strategy for the Bicknell's thrush
Vermont Youth Conservation Corps	Trail Maintenance & Construction
White River Partnership	Restore riparian & aquatic habitat in the White River watershed
Windham Regional Planning Commission	Enhance community involvement in the Forest Plan Revision process

<u>Memorandums of Understanding*</u>	
Partner Name	Purpose
Bennington County	Cooperative Fire Agreement
Trumansburg	Cooperative Fire Agreement
Vermont Department of Forests, Parks & Recreation	Cooperative Fire Agreement
USDI National Park Service	Management of the Appalachian National Scenic Trail
NOAA, Addison County Regional Commission	Early flood warning system
EPA	Collection of meteorological and wet/dry acid deposition information
* Note: These agreements and MOUs are current as of January 2005.	