

UNITED STATES DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20250

May 28, 2010

SECRETARY'S MEMORANDUM 1042-155  
Authority to Approve Road Construction and Timber Harvesting  
in Certain Lands Administered by the Forest Service

1. PURPOSE

The purpose of this Memorandum is to reserve to the Secretary the decision making authority over the construction and reconstruction of roads and the cutting, sale, or removal of timber in inventoried roadless areas on certain lands administered by the Forest Service. This memorandum affects only the process by which such activities are authorized. It does not alter or prescribe any substantive standards for the management of such areas. Any project authorized through the process established by this Memorandum must comply with any applicable laws, including, but not limited to, the National Environmental Policy Act.

2. POLICY

a. Reservation of Authority to the Secretary. Except as noted below, the delegations of authority to the Under Secretary for Natural Resources and Environment at 7 CFR 2.20(a)(2), and from the Under Secretary to the Chief of the Forest Service at 7 CFR 2.60(a) for the management and administration of the national forests, national forest purchase units, national grasslands and other lands and interests administered by the Forest Service, are revised to reserve to the Secretary the authority to approve or disapprove road construction or reconstruction and the cutting, sale, or removal of timber in those areas identified in the set of inventoried roadless area maps contained in the Forest Service Roadless Area Conservation, Final Environmental Impact Statement Volume 2 dated November 2000.

b. Delegation of Authority.

(1) Under Secretary for Natural Resources and Environment.

The Under Secretary is re-delegated authority concerning road construction, road reconstruction, and incidental timber cutting within inventoried roadless areas that is associated with operations of locatable mining activities undertaken pursuant to the United States Mining Laws and regulated pursuant to 16 USC 478, 16 USC 551, and 36 CFR Part 228, Subpart A. The Under Secretary shall assure that the Forest Service is directed to comply with the requirements for

environmental protection, set forth in 36 CFR 228.8, that all operations be conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources, including air quality, water quality, scenic values, fisheries and wildlife habitats, soils and other resource values as well as the necessary assurances concerning solid wastes, reclamation and certifications of approval by other relevant state and federal agencies.

(2) Chief of the Forest Service.

The Chief is re-delegated authority to approve:

- a. Any necessary timber cutting or removal or any road construction/reconstruction in emergency situations involving wildfire suppression, search and rescue operations, or other imminent threats to public health and safety in inventoried roadless areas.
- b. Timber cutting, sale, or removal in inventoried roadless areas incidental to the implementation of an existing special use authorization. Road construction/reconstruction is not authorized through this re-delegation without further project specific review.
- c. The cutting, sale, or removal of generally small diameter timber when needed for one of the following purposes:
  1. To improve threatened, endangered, proposed, or sensitive species habitat;
  2. To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period; or,
  3. For administrative and personal use, as provided for in Title 36, Code of Federal Regulations 223, where personal use includes activities such as Christmas trees and firewood cutting and where administrative use includes providing materials for activities such as construction of trails, footbridges, and fences.

3. EXISTING DIRECTIVES

1. Prior delegations of authority, administrative regulations, and other directives not inconsistent with the provisions of this Memorandum shall remain in full force and effect.
2. This Memorandum does not affect the lands subject to 36 CFR Part 294, Subpart C.

3. This Memorandum creates no private right of action.

4. EFFECTIVE DATE

The provisions of this Memorandum are effective immediately and shall apply prospectively only.

5. TERMINATION

This Memorandum shall remain in full force and effect for one year or until such earlier time as published delegations of authority have been revised to incorporate its provisions or until revoked.

TOM VILSACK  
SECRETARY