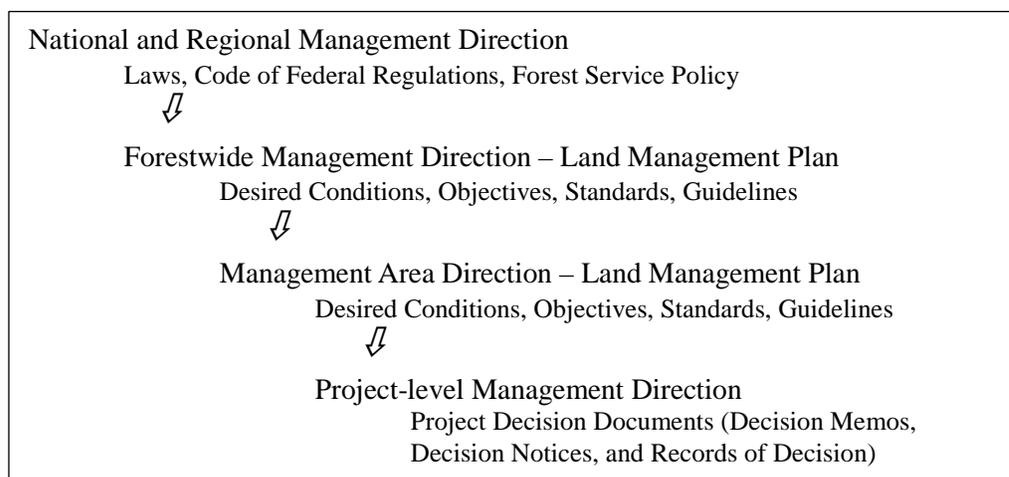


Appendix D. Relevant Laws, Regulations, Policies, and Agreements

Direction for managing National Forest System land comes from a variety of levels. National and regional direction includes laws, executive orders, regulations, and Forest Service policy. The figure below illustrates this hierarchy of management direction beginning with national and regional direction at the highest level and ending with site-specific, project-level direction when the land management plan (the plan) is implemented.



Hierarchy of management direction for national forests

Management direction includes applicable laws, regulations, and policies, although they generally are not restated in this plan. During plan implementation, a project must be consistent with the direction found in the plan, applicable laws, regulations, and Forest Service Manuals; applicable Forest Service Handbooks provide guidance only and do not provide required direction.

This appendix contains a listing of relevant statutes, regulations, policies, and agreements applicable to the Forest Service.

Forest Service Directives

<http://www.fs.fed.us/im/directives/>

The following is a partial listing of national and regional Forest Service policies relevant to this plan. A complete listing can be found in Forest Service Manuals and Forest Service Handbooks. Together, these are known as the Forest Service Directives System.

The directives system is the primary basis for the management and 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) are 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 FSM or they incorporate external directives.

FSM 1000 Organization and Management

- **FSM 1010** Laws, Regulations, and Orders
- **FSM 1020** Forest Service Mission

FSM 1400 Controls

- **FSM 1410** Management Reviews

FSM 1500 External Relations

- **FSM 1560** State, Tribal, County, and Local Agencies, Public and Private Organizations

FSM 1600 Information Resources

FSM 1900 Planning

- **FSM 1920** Land and Resource Management Planning
- **FSM 1950** Environmental Policy and Procedures

FSM 2000 National Forest Resource Management

- **FSM 2060** Ecosystem Classification, Interpretation, and Application
- **FSM 2070** Biological Diversity
 - FSM 2070.3 Vegetation Ecology (use of native plants in revegetation, rehabilitation, and restoration)
- **FSM 2080** Noxious Weed Management, Southwestern Region supplement (weed-free policy)

FSM 2200 Range Management

- **FSM 2260** Wild Free-Roaming Horses and Burros

FSM 2300 Recreation, Wilderness, and Related Resource Management

- **FSM 2320** Wilderness Management
- **FSM 2330** Publicly Managed Recreation Opportunities
 - FSM 2332.11 Hazard Trees
- **FSM 2350** Trail, River, and Similar Recreation Opportunities
 - FSH 2309.18 Trails Management Handbook
- **FSM 2360** Heritage Program Management
 - **FSM 2300-99-3** Southwest Region Supplement

FSM 2400 Timber Management, Southwestern Region, and Apache-Sitgreaves NFs supplements

- **FSM 2430** Commercial Timber Sales, Southwestern Region and Apache-Sitgreaves NFs supplements, Small Sales and Commercial/Personal Use Permits of Timber, Firewood, and other forest products
- **FSM 2470** Silvicultural Practices

FSM 2500 Watershed and Air Management

- **FSM 2540** Water Uses and Development, Southwestern Region supplement

FSM 2600 Wildlife, Fish, and Sensitive Plant Habitat Management

FSM 2700 Special Uses Management

FSM 2800 Minerals and Geology

FSM 3100 Cooperative Fire Protection

FSM 3400 Forest Pest Management

FSM 4000 Research

- **FSM 4063** RNA Management Standards and Resource Protection Guidelines

FSM 5100 Fire Management

FSM 5400 Land Ownership

FSM 5500 Land Ownership Title Management

FSM 7300 Buildings and Other Structures

- **FSM 7310** Buildings and Related Facilities
 - FSH 7309.11 Buildings and Related Facilities Handbook

FSM 7400 Public Health and Pollution Control Facilities

FSM 7500 Water Storage and Transportation

FSM 7700 Transportation System

- **FSM 7710** Travel Planning
 - FSH 7709.55 Travel Analysis
 - FSH 7709.56 Chapter 2 – Road Location
- **FSM 7720** Development (Policy on Transportation)
- **FSM 7730** Operation and Maintenance
 - FSH 7709.59 Road Operations

Federal Statutes

The following is a partial listing of relevant laws which have been enacted by Congress. A Federal statute, or law, is an act or bill which has become part of the legal code through passage by Congress and approval by the President (or via congressional override). Although not specified below, many of these laws have been amended.

American Indian Religious Freedom Act (AIRFA) as amended (42 U.S.C. 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

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 14th amendment and to regulate commerce, in order to address the major areas of discrimination faced by people with disabilities.

Anderson-Mansfield Reforestation and Revegetation Act of October 11, 1949

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

Antiquities Act of 1906 (16 U.S.C. 431- 433)

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 permission. Provides for permits, for misdemeanor-level penalties for unauthorized use, 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. The Archaeological Resources Protection Act has replaced the Antiquities Act as the authority for special use permits if the resource involved is 100 years old or greater.

Archaeological and Historic Preservation Act of 1974 (AHPA) (16 U.S.C. 469)

It is also known as the Archaeological Recovery Act. AHPA amended and expanded the Reservoir Salvage Act of 1960 and was enacted to complement the Historic Sites Act of 1935 by providing for the preservation of significant scientific, historical, and archaeological data which might be lost or destroyed as the result of construction of a federally authorized dam or other construction activity. AHPA also allows for any Federal agency responsible for a construction project to appropriate a portion of project funds for archaeological survey, recovery, analysis, and publication of results.

Archaeological Resources Protection Act of 1979 as amended (ARPA) (16 U.S.C. 470 aa et seq.)

The act establishes permit requirements for removal or excavation of archaeological resources from Federal and Indian lands. Provides criminal and civil penalties for the unauthorized excavation, removal, damage, alteration, defacement, or the attempted unauthorized removal, damage, alteration, or defacement of any archaeological resource, more than 100 years of age, found on Federal or Indian lands. Prohibits the sale, purchase, exchange, transportation, receipt, or offering of any archaeological resource obtained from public lands or Indian lands. The act further directs Federal land managers to survey land under their control for archaeological resources and create public awareness programs concerning archaeological resources.

Architectural Barriers Act of 1968

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

Bald and Golden Eagle Protection Act of 1940, as amended

Prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald eagles, including their parts, nests, or eggs. The act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb.” Disturbance includes impacts that result from human-induced alterations in the nesting area even when eagles are not present. Sections 22.26–28 allow take of bald and golden eagles or their nests where it is unavoidable and where it is compatible with the continued preservation of the eagle. Permits for take are issued based on certain criteria such as, but not limited to, certifications, reporting, and monitoring.

Bankhead-Jones Farm Tenant Act of July 22, 1937

Directed the Secretary of Agriculture to develop a program of land conservation and utilization in order 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 June 7, 1924

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, shelterbelts, windbreaks, 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 landowners to assure future timber supplies or for other national forest purposes.

Clean Air Act of August 7, 1977, as amended (1977 and 1990)

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.

Clean Water Act (see Federal Water Pollution Control Act)

Common Varieties of Mineral Materials Act of July 31, 1947

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 of 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.

Cooperative Forestry Assistance Act of July 1, 1978

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.

Economy Act of June 30, 1932

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 August 4, 1978**

Authorizes the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention, in cooperation with landowners 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, as amended

Authorizes the determination and listing of species as endangered and threatened; prohibits unauthorized taking, possession, sale, and transport of endangered species; 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 thereunder. Section 7 of the act requires Federal agencies to use their authorities to carry out programs for the conservation of endangered and threatened species and 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.

Section 4 of the act directs development and implementation of recovery plans for threatened and endangered species and the designation of critical habitat. Several species listed under the act are found on the Apache-Sitgreaves NFs, some with recovery plans and some with designated critical habitat. Those with a recovery plan and/or a critical habitat designation as of 2012 are listed below:

- Southwest Willow Flycatcher, Recovery Plan and Critical Habitat
- Mexican Spotted Owl, Recovery Plan and Critical Habitat
- Chiricahua Leopard Frog, Recovery Plan and pending Critical Habitat
- Little Colorado River Spinedace, Recovery Plan and Critical Habitat
- Apache Trout Recovery Plan
- Spikedace, Recovery Plan and Critical Habitat
- Gila Trout, Recovery Plan
- Gila Chub, Critical Habitat
- Loach Minnow, Recovery Plan and Critical Habitat
- Mexican Wolf, Recovery Plan

Energy Policy Act of 2005

Requires the Secretary of Agriculture to ensure timely action on oil and gas permits, improve collection and retrieval of oil and gas information, and improve inspection and enforcement of permit terms (Section 362).

Energy Security Act of June 30, 1980

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 October 6, 1972

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

Federal Cave Resources Protection Act of November 18, 1988

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

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

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 archaeological 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 public lands and their resources unless otherwise provided for by law.

Federal Noxious Weed Act, 1974, as amended

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 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 Power Act of June 10, 1920

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

Authorized the adoption of 11 watershed improvement programs in various states for the improvement of water runoff, waterflow retardation, and soil erosion prevention.

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

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.

Federal Water Project Recreation Act of July 9, 1965

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

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

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.

Food, Conservation and Energy Act of 2008 (2008 Farm Bill) Public Law 110-246 Title VIII – Forestry, Subtitle A, B, and C

Subtitle A: Amendment to the Cooperative Forestry Assistance Act of 1978. Establishes national priorities for private forest conservation, a community forest and open space conservation program, and a secretary level Forest Resources Coordinating Committee.

Subtitle B: Cultural and Heritage Cooperation Authority. Authorizes the Secretary of Agriculture to provide forest products to Indian tribes for traditional and cultural purposes; to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes; to utilize National Forest System land for the reburial of human remains and cultural items, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act; prevent the unauthorized disclosure of information regarding human remains or cultural items reburied on National Forest System land; to ensure access to National Forest System land, to the maximum extent practicable, by Indians and Indian tribes for traditional and cultural purposes; to increase the availability of Forest Service programs and resources to Indian tribes in support of the policy of the United States to promote tribal sovereignty and self-determination; and to strengthen support for the policy of the United States of protecting and preserving the traditional, cultural, and ceremonial rites and practices of Indian tribes, in accordance with the American Indian Religious Freedom Act (42 U.S.C. 1996).

Subtitle C. Amendments to Other Forestry Related Laws. Amends the Lacey Act to include the illegal taking of plants, establishes an Emergency Forest Restoration Program, and renews authority and funding for the Healthy Forest Reserve Program.

Forest Highways Act of August 27, 1958

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. See also Highways (23 U.S.C. Chapter 205 Forest development roads and trails).

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

Directs the Secretary of Agriculture to prepare a renewable resource assessment every 10 years; to transmit a recommended renewable resources program to the President every 5 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

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

Geothermal Steam Act of December 24, 1970

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

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 nonforest 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.

Healthy Forests Restoration Act of 2003 (H.R. 1904)

Purposes are to reduce wildfire risk to communities and municipal water supplies through collaborative hazardous fuels reduction projects; to assess and reduce the risk of catastrophic fire or insect or disease infestation; to enhance efforts to protect watersheds and address threats to forest and rangeland health (including wildfire) across the landscape; to protect, restore, and enhance ecosystem components such as biological diversity, threatened/endangered species habitats, and forest productivity.

Historic Sites Act of 1935 (16 U.S.C. 461)

Establishes a policy to preserve for public use historic sites, buildings, and objects of national significance for the benefit of the people. Authorizes the National Park Service's National Historic Landmarks Program.

Joint Surveys of Watershed Areas Act of September 5, 1962

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 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.

Knutson-Vandenberg Act of June 9, 1930

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 park.

Land Acquisition Act of March 3, 1925

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 – Title Adjustment Act of July 8, 1943

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

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

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

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 1918

Makes it unlawful to “take” migratory birds, their eggs, feathers, or nests. A migratory bird is any species or family of birds that live, reproduce, or migrate within or across international borders at some point during their annual life cycle. Presidential executive order number 13186 additionally directs Federal agencies to integrate bird conservation into agency activities and to design migratory bird habitat and conservation principles and practices into agency environmental planning.

Mineral Leasing Act of February 25, 1920

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

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

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

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

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

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

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 products and services.

National Environmental Education Act of November 16, 1970

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

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

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

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 System 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

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 System lands.

National Historic Preservation Act of 1966 as amended (NHPA) (16 U.S.C. 470)

Sets forth the Federal government's policy to preserve and protect historical and cultural resources. This act states that the historical and cultural foundations of the Nation should be preserved as a living part of the Nation's community life and development in order to give a sense of orientation to the American people. Directs all Federal agencies to take into account the effects of their undertakings (actions, financial support, and authorizations) on properties included in or eligible for the National Register. Establishes inventory, nomination, protection, and preservation responsibilities for federally owned historic properties. As amended extends the policy in the Historic Sites Act to state and local historical sites as well as those of national significance, expands the National Register of Historic Places, establishes the Advisory Council on Historic Preservation and the State Historic Preservation Officers, and requires agencies to designate Federal preservation officers. Establishes criteria for designating tribal historic preservation officers to assume the functions of a state historic preservation officer on tribal lands.

National Forest System Land and Resource Management Plans (16 U.S.C 1604)

Directs the Secretary of Agriculture to develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

National Trails System Act of October 2, 1968

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 1990 (NAGPRA) (25 U.S.C. 3001)

Provides a process for Federal agencies to return Native American human remains, funerary objects, and sacred objects to the ancestors and appropriate Native American tribe. Includes provisions for the intentional excavation and unanticipated discovery of Native American cultural items on Federal and tribal lands, and penalties for noncompliance and illegal trafficking. The act requires agencies to identify holdings of such remains and objects and to work with appropriate Native American groups toward their repatriation.

Occupancy Permits Act of March 4, 1915

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

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

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 waterflows, 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.

Petrified Wood Act of September 28, 1962

Authorizes the Secretary of Agriculture to promulgate regulations under which limited quantities of petrified wood may be removed from the national forests.

Pipelines Act of February 25, 1920

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 therefrom to any applicant possessing the qualifications provided in the act.

Public Buildings Cooperative Use Act of 1976

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

Provides that all standard, meander, township, and section lines of 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

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.

Rescission Act of 1995

Directs the Forest Service to establish and adhere to a schedule for analysis and decisions on all grazing allotments where National Environmental Policy Act of 1969 (NEPA) compliance is required. Notwithstanding any other law, term grazing permits which expire or are waived before the NEPA analysis and decision pursuant to the schedule developed by individual Forest Service System units, shall be issued on the same terms and conditions and for the full term of the expired or waived permit. Upon completion of the scheduled NEPA analysis and decision for the allotment, the terms and conditions of existing grazing permits may be modified, if necessary to conform to such NEPA analysis and subsequent decision.

Rehabilitation Act of 1973, as amended

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.

Religious Freedom Restoration Act (RIFRA) (42 U.S.C. § 2000bb)

Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except when the government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest.

Renewable Resources Extension Act of June 30, 1978

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.

Research Grants Act of September 6, 1958

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.

Rural Development Act of August 30, 1972

Enacted to provide multistate regional agencies, states, counties, cities, multicounty 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

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

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, as amended

This act authorizes the Forest Service to cooperate with state wildlife agencies in conservation and rehabilitation programs for fish, wildlife, and plants considered threatened or endangered.

Small Tracts Act of January 22, 1983

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

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

Soil and Water Resources Conservation Act of November 18, 1977

Provides for a continuing appraisal of the United States’ 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 Act (Resource Conservation and Recovery Act) of October 21, 1976

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

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 System lands determined by the secretary to be in need of reforestation.

Surface Mining Control and Reclamation Act of August 3, 1977

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

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, employment, communities, and 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 streamflow, prevention of soil erosion, amelioration of climate, and preservation of wildlife.

Timber Export Act of March 4, 1917

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

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

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

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

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.

Tribal Forest Protection Act of 2004 (Public Law 108-278)

Authorizes the Secretaries of the Interior and Agriculture to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

Twenty-Five Percent Fund Act of May 23, 1908

Provides that 25 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 (Title 18 U.S.C. Chapter 91 – Public Lands) Act of June 25, 1948

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

U.S. Mining Laws (Public Domain Lands) Act of May 10, 1872

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

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

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

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

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

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 System lands acquired thereunder.

Wild Free-Roaming Horses and Burros Act of December 15, 1971, as amended by Federal Land Policy Management Act of 1976 and Public Rangelands Improvement Act of 1978

Protects wild free-roaming horses and burros from capture, branding, harassment, or death; and states they are to be considered in the area where presently found an integral part of the natural system of the public lands.

Wild and Scenic Rivers Act of October 2, 1968

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

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. The act states that no Federal lands shall be designated as “wilderness areas” except as provided for in the act or by a subsequent act.

Apache-Sitgreaves NFs wilderness areas are designated under the following authorities:

- **Public Law 91-504** of October 23, 1970, designates Mount Baldy Wilderness
- **Arizona Wilderness Act of 1984** (Public Law 48-406) designates Escudilla and Bear Wallow Wilderness areas

Wildlife Game Refuges Act of August 11, 1916

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 nongame 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 of December 19, 1980

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

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

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

Below is a partial listing of relevant regulations. Federal executive departments and administrative agencies write regulations to implement laws. Regulations are secondary to law. However, both laws and regulations are enforceable.

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

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

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

36 CFR 61 Procedures for Approved State and Local Government Historic Preservation Programs

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

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

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 Properties

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 79 Curation of Federally Owned and Administered Archaeological Collections

36 CFR 212 Forest Development Transportation System

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

36 CFR 219 Planning

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

Sets forth the requirements for management plans for national forest timber resources.

36 CFR 222 Range Management

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. See Subpart B (Management of Wild Free-Roaming Horses and Burros).

36 CFR 223 Sale and Disposal of National Forest System Timber

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

36 CFR 228 Minerals

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

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

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

36 CFR 254 Landownership Adjustments

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

36 CFR 261 Prohibitions

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

- 36 CFR 261.7 Unauthorized Livestock

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

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

36 CFR 292 National Recreation Areas

Sets forth the requirements for the administration of national recreation areas.

36 CFR 293 Wilderness-Primitive Areas

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

36 CFR 294 Special Areas

Sets forth the requirements for designation of special recreation areas.

36 CFR 295 Use of Motor Vehicles Off Forest Development Roads

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: Uniform Regulations

Implements the Archaeological Resources Protection Act by establishing the uniform definitions, standards, and procedures for Federal land managers to follow in providing protection for archaeological resources located on public lands and Indian lands, including definitions of prohibited acts and penalties. The regulations also provide requirements for issuing permits under the authority of the Archaeological Resources Protection Act to any person proposing to excavate and/or remove archaeological resources from public lands or Indian lands.

36 CFR 297 Wild and Scenic Rivers

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 Protection of Historic Properties

Sets forth the provisions for the administration of the National Historic Preservation Act.

40 CFR 121-135 Water Programs

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 decisionmaking; 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. See Title 40 (Protection of Environment), Chapter 1 (Environmental Protection Agency), subchapter D (Water Programs).

40 CFR 1500 Council on Environmental Quality

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

43 CFR 3 Preservation of American Antiquities

Implements the provisions of the Antiquities Act of 1906.

43 CFR 10 Native American Graves Protection and Repatriation Act Regulations

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

50 CFR 402 Regulations Governing Interagency Cooperation—Endangered Species Act of 1973, as amended

Interprets and implements the act. Addresses forms of consultation (early, formal, informal, and emergency), conferencing, preparation of biological assessments, designation of lead agency, responsibilities of Federal agency following issuance of a biological opinion, reinitiation of formal consultation, and irreversible or irretrievable commitment of resource.

Executive Orders

Below is a partial listing of relevant executive orders. Executive orders are official documents by which the President provides instructions to executive departments and agencies. An executive order may be used to reassign functions among executive branch agencies. It may adopt guidelines, rules of conduct, or rules of procedure for government employees or units of government. It can also establish an advisory body or task force.

E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994

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 nondiscrimination 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.

E.O. 11593 Protection and Enhancement of the Cultural Environment, 1973

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.

E.O. 13007 Indian Sacred Sites, 1996

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.

E.O. 13175 Consultation and Coordination with Indian Tribal Governments, 2000

Promotes regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, strengthens the United States government-to-government relationships with Indian tribes, and reduces the imposition of unfunded mandates upon Indian tribes.

E.O. 13287 Preserve America, 2003

Advances the protection, enhancement, and contemporary use of the historic properties owned by the Federal government, and promotes intergovernmental cooperation and partnerships for the preservation and use of historic properties. Directs Federal agencies to increase their knowledge of historic resources in their care and to enhance the management of these assets. Encourages agencies to seek partnerships with state, tribal, and local governments and the private sector to make more efficient and informed use of their resources for economic development and other recognized public benefits. Better combines historic preservation and nature tourism by directing agencies to assist in the development of local and regional nature tourism programs using the historic resources that are a significant feature of many state and local economies.

E.O. 11990 Protection of Wetlands, 1977

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.

**E.O. 11644 (amended by EO 11989)
Use of Off-Road Vehicles, 1972, 1977**

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.

E.O. 11988 Floodplain Management, 1977

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 floodplains 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.

**E.O. 12088 Federal Compliance with Pollution
Control Standards (Amended by E.O. 12580), 1978, 1987**

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.

E.O. 12372 Intergovernmental Review of Federal Programs, 1982

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.

E.O. 12862 Setting Customer Service Standards, 1993

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.

E.O. 13112 Invasive Species, 1999

Ensures that Federal programs and activities to control and prevent invasive species are coordinated, effective, and efficient. It defines invasive species as "...an alien (or nonnative) whose introduction does or is likely to cause economic or environmental harm or harm to human health."

E.O. 13433 Facilitation of Hunting Heritage and Wildlife Conservation, 2007

Directs Federal agencies with programs and activities that have a measureable effect on public management, outdoor recreation, and wildlife management, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.

E.O. 13186 Responsibility of Federal Agencies to Protect Migratory Birds, 2001

Directs Federal agencies, as practicable, to support the conservation of migratory birds, restore and enhance the habitat of migratory birds, prevent or abate pollution or detrimental alteration of the environment for the benefit of migratory birds, ensure agency plans and actions promote programs and recommendations of comprehensive migratory bird planning efforts such as Partners-in-Flight, ensure that environmental analyses of Federal actions required by NEPA evaluate effect on migratory birds, and promote research, education, and training related to conservation of migratory birds.

State Regulations

Arizona Revised Statute, Title 3 – Agriculture, Chapter 11 (Ownership, Control and Regulation of Livestock), Article 6, 3-1371 (Seizure of Livestock by a Livestock Officer).

Arizona Revised Statute, Title 13 – Criminal Code, Section 2927. Unlawful feeding of wildlife, with exceptions.

Arizona Revised Statute, Title 17 – Game and Fish, Section 308. Unlawful camping relative to water and wildlife or domestic stock access.

Arizona Administrative Code, Title 18. Environmental Quality, Chapter 2. Department of Environmental Quality Air Pollution Control, Article 15. Forest and Range Management Burns.

Programmatic Agreements

Memorandum of Understanding between the U.S. Department of Agriculture Forest Service and the U.S. Fish and Wildlife Service to Promote the Conservation of Migratory Birds

Memorandum of Understanding among the Arizona Game and Fish Department, New Mexico Game and Fish Department, USDA Animal and Plant Health Inspection Service/Wildlife Services, USDA Forest Service, U.S. Fish and Wildlife Service, White Mountain Apache Tribe,

Arizona Counties of Graham, Greenlee, and Navajo, New Mexico Counties of Catron and Sierra, and the New Mexico Department of Agriculture

First Amended Programmatic Agreement Regarding Historic Property Protection and Responsibilities among New Mexico Historic Preservation Officer and Arizona State Historic Preservation Officer and Texas State Historic Preservation Officer and Oklahoma State Historic Preservation Officer and the Advisory Council on the Historic Preservation and United States Department of Agriculture Forest Service Southwestern Region

