

Organic Administration Act

- Act of June 4, 1897 (Ch. 2, 30 Stat. 11, as amended; 16 U.S.C. 473-475, 477-482, 551)

Note—The following provisions originated as parts of Section 1 of the Sundry Civil Expenses Appropriation Act for Fiscal Year 1898.

Creation of National Forests

The President of the United States is authorized and empowered to revoke, modify, or suspend any and all Executive orders and proclamations, or any part thereof, issued under section 471 of this title, from time to time as he shall deem best for the public interests. By such modification he may reduce the area or change the boundary lines or may vacate altogether any order creating such national forest. (16 U.S.C. 473)

Note—The National Forest Management Act of 1976 contained the following:

"Notwithstanding the provisions of the act of June 4, 1897 (30 Stat. 34; 16 U.S.C. 473), no land now or hereafter reserved or withdrawn from the public domain as national forests pursuant to the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471 (now repealed)), or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress. (U.S.C. 1609)"

Note—The original authority for creation of Forest Reserves

(National Forests) was provided for in an act commonly referred to as the Creative Act of 1891 (Ch. 561, 26 Stat. 1103; 16 U.S.C. 471) which stated:

"Sec. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public land wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

This section was repealed by Section 704(a) of P.L. 94-579, FLPMA.

Authority to Conduct Surveys

Surveys, field notes, and plats returned from the survey of public lands designated as national forests undertaken under the supervision of the Director of the United States Geological Survey in accordance with provisions of this Act, chapter 2, section 1, Thirtieth Statutes, pages 34, shall have the same legal force and effect as surveys, field notes, and plats returned through the Field Surveying Service; and such surveys, which include subdivision surveys under the rectangular system, shall be approved by the

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Secretary of the Interior or such officer as he may designate as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are declared inoperative as respects such survey. A copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the Bureau of Land Management. (16 U.S.C. 474)

Designation and Purposes of National Forests

All public lands designated and reserved prior to June 4, 1897, by the President of the United States under the provisions of the Act of March 3, 1891, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public land that may hereafter be set aside and reserved as national forests under said Act, shall be as far as practicable controlled and administered in accordance with the following provisions. No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the Act, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes. (16 U.S.C. 475)

Use of Timber and Stone

The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such national forests may be located. (16 U.S.C. 477)

Access

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof. Such persons must comply with the rules and regulations covering such national forests. (16 U.S.C. 479)

Sites for Schools and Churches

The settlers residing within the exterior boundaries of National Forests, or in the vicinity thereof, may maintain schools and churches

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within such national forests, and for that purpose may occupy any part of the said national forests, not exceeding two acres for each schoolhouse and one acre for a church. (16 U.S.C. 479)

Civil and Criminal Jurisdiction

The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States therein is concerned: the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their right and privileges as citizens or be absolved from their duties as citizens of the State. (16 U.S.C. 480)

Water use

All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder. (16 U.S.C. 481)

Mining location and entry

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days notice thereof, published in two papers of general circulation in the State or Territory wherein any national forest is situated, and near the said national forests, any public lands embraced within the limits of any such forest which, after due examination by personal inspection of a competent person appointed for

the purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained. (16 U.S.C. 482)

Rules and Regulations

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of the Act of March 3, 1891, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States magistrate specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401(b) to (e) of Title 18. (16 U.S.C. 551)

Note—Authority to issue permits for rights-of-way was repealed by section 706(a) of

the Federal Land Policy and Management Act of 1976. The language does not change but

FLMPA precluded issuance of permits for Rights-of-Way under this section.