

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115–141 substituted “Secretary” for “Secretary of Agriculture”.

1976—Pub. L. 94–588, §10, inserted “and on the date of enactment of any legislation amendatory or supplementary thereto”.

Executive Documents**TRANSFER OF FUNCTIONS**

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1601 of this title.

§ 1611. Timber**(a) Limitations on removal; variations in allowable sale quantity; public participation**

The Secretary shall limit the sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis: *Provided*, That, in order to meet overall multiple-use objectives, the Secretary may establish an allowable sale quantity for any decade which departs from the projected long-term average sale quantity that would otherwise be established: *Provided further*, That any such planned departure must be consistent with the multiple-use management objectives of the land management plan. Plans for variations in the allowable sale quantity must be made with public participation as required by section 1604(d) of this title. In addition, within any decade, the Secretary may sell a quantity in excess of the annual allowable sale quantity established pursuant to this section in the case of any national forest so long as the average sale quantities of timber from such national forest over the decade covered by the plan do not exceed such quantity limitation. In those cases where a forest has less than two hundred thousand acres of commercial forest land, the Secretary may use two or more forests for purposes of determining the sustained yield.

(b) Salvage harvesting

Nothing in subsection (a) of this section shall prohibit the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack. The Secretary may either substitute such timber for timber that would otherwise be sold under the plan or, if not feasible, sell such timber over and above the plan volume.

(Pub. L. 93–378, §13, as added Pub. L. 94–588, §11, Oct. 22, 1976, 90 Stat. 2957; amended Pub. L. 115–141, div. O, title II, §208(b)(2), Mar. 23, 2018, 132 Stat. 1066.)

Editorial Notes**AMENDMENTS**

2018—Subsec. (a). Pub. L. 115–141 substituted “Secretary shall limit” for “Secretary of Agriculture shall limit”.

Statutory Notes and Related Subsidiaries**TIMBER SALES PIPELINE RESTORATION FUND**

Pub. L. 104–134, title I, §101(c) [title III, §327], Apr. 26, 1996, 110 Stat. 1321–156, 1321–206; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327, provided that:

“(a) The Secretary of Agriculture and the Secretary of the Interior shall each establish a Timber Sales Pipeline Restoration Fund (hereinafter ‘Agriculture Fund’ and ‘Interior Fund’ or ‘Funds’). Any revenues received from sales released under section 2001(k) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act [probably means section 2001(k) of Pub. L. 104–19, set out below], minus the funds necessary to make payments to States or local governments under other law concerning the distribution of revenues derived from the affected lands, which are in excess of \$37,500,000 (hereinafter ‘excess revenues’) shall be deposited into the Funds. The distribution of excess revenues between the Agriculture Fund and Interior Fund shall be calculated by multiplying the total of excess revenues times a fraction with a denominator of the total revenues received from all sales released under such section 2001(k) and numerators of the total revenues received from such sales on lands within the National Forest System and the total revenues received from such sales on lands administered by the Bureau of Land Management, respectively: *Provided*, That revenues or portions thereof from sales released under such section 2001(k), minus the amounts necessary for State and local government payments and other necessary deposits, may be deposited into the Funds immediately upon receipt thereof and subsequently redistributed between the Funds or paid into the United States Treasury as miscellaneous receipts as may be required when the calculation of excess revenues is made.

“(b)(1) From the funds deposited into the Agriculture Fund and into the Interior Fund pursuant to subsection (a)—

“(A) seventy-five percent shall be available, without fiscal year limitation or further appropriation, for preparation of timber sales, other than salvage sales as defined in section 2001(a)(3) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act [probably means section 2001(a)(3) of Pub. L. 104–19, set out below], which—

“(i) are situated on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively; and

“(ii) are in addition to timber sales for which funds are otherwise available in this Act or other appropriations Acts; and

“(B) twenty-five percent shall be available, without fiscal year limitation or further appropriation, to expand on the backlog of recreation projects on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively.

“(2) Expenditures under this subsection for preparation of timber sales may include expenditures for Forest Service activities within the forest land management budget line item and associated timber roads, and Bureau of Land Management activities within the Oregon and California grant lands account and the forestry management area account, as determined by the Secretary concerned.

“(c) Revenues received from any timber sale prepared under subsection (b) or under this subsection, minus the amounts necessary for State and local government payments and other necessary deposits, shall be deposited into the Fund from which funds were expended on such sale. Such deposited revenues shall be available for preparation of additional timber sales and completion of additional recreation projects in accordance with the requirements set forth in subsection (b).

“(d) The Secretary concerned shall terminate all payments into the Agriculture Fund or the Interior Fund, and pay any unobligated funds in the affected Fund

into the United States Treasury as miscellaneous receipts, whenever the Secretary concerned makes a finding, published in the Federal Register, that sales sufficient to achieve the total allowable sales quantity of the National Forest System for the Forest Service or the allowable sales level for the Oregon and California grant lands for the Bureau of Land Management, respectively, have been prepared.

“(e) Any timber sales prepared and recreation projects completed under this section shall comply with all applicable environmental and natural resource laws and regulations.

“(f) The Secretary concerned shall report annually to the Committees on Appropriations of the United States Senate and the House of Representatives on expenditures made from the Fund for timber sales and recreation projects, revenues received into the Fund from timber sales, and timber sale preparation and recreation project work undertaken during the previous year and projected for the next year under the Fund. Such information shall be provided for each Forest Service region and Bureau of Land Management State office.

“(g) The authority of this section shall terminate upon the termination of both Funds in accordance with the provisions of subsection (d).”

EMERGENCY SALVAGE TIMBER SALE PROGRAM

Pub. L. 104-19, title II, §2001, July 27, 1995, 109 Stat. 240, as amended by Pub. L. 104-134, title I, §101(c) [title III, §316], Apr. 26, 1996, 110 Stat. 1321-156, 1321-202; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, provided for salvage timber sales from certain Federal lands by the Secretary of Agriculture and the Secretary of the Interior from July 27, 1995 to Dec. 31, 1996.

Executive Documents

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§ 1612. Public participation

(a) Adequate notice and opportunity to comment

In exercising his authorities under this subchapter and other laws applicable to the Forest Service, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

(b) Advisory boards

In providing for public participation in the planning for and management of the National Forest System, the Secretary, pursuant to chapter 10 of title 5 and other applicable law, shall establish and consult such advisory boards as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards shall be representative of a cross section of groups interested in the planning for and management of the National Forest System and the various types of use and enjoyment of the lands thereof.

(Pub. L. 93-378, §14, as added Pub. L. 94-588, §11, Oct. 22, 1976, 90 Stat. 2958; amended Pub. L. 117-286, §4(a)(114), Dec. 27, 2022, 136 Stat. 4318.)

Editorial Notes

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-286 substituted “chapter 10 of title 5” for “the Federal Advisory Committee Act (86 Stat. 770)”.

Statutory Notes and Related Subsidiaries

FOREST SERVICE DECISIONMAKING AND APPEALS REFORM

Pub. L. 102-381, title III, §322, Oct. 5, 1992, 106 Stat. 1419, which provided for the establishment of a notice and comment process for proposed actions of the Forest Service relating to certain land and resource management projects and required modification of the procedure for appeals of decisions concerning such projects, was repealed by Pub. L. 113-79, title VIII, §8006(a), Feb. 7, 2014, 128 Stat. 913.

Executive Documents

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§ 1613. Promulgation of regulations

The Secretary shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this subchapter.

(Pub. L. 93-378, §15, as added Pub. L. 94-588, §11, Oct. 22, 1976, 90 Stat. 2958; amended Pub. L. 115-141, div. O, title II, §208(b)(2), Mar. 23, 2018, 132 Stat. 1066.)

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§ 1614. Severability

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 93-378, §16, as added Pub. L. 94-588, §11, Oct. 22, 1976, 90 Stat. 2958.)

SUBCHAPTER II—RESEARCH

§ 1641. Findings and purpose

(a) Findings

Congress finds the following: