

tionate to total use. The Secretary may also require the user or users of such a road to reconstruct the same when such reconstruction is determined to be necessary to accommodate such use. If such maintenance or reconstruction cannot be so provided or if the Secretary determines that maintenance or reconstruction by a user would not be practical, then the Secretary may require that sufficient funds be deposited by the user to provide his portion of such total maintenance or reconstruction. Deposits made to cover the maintenance or reconstruction of roads are hereby made available until expended to cover the cost to the United States of accomplishing the purpose for which deposited: *Provided*, That deposits received for work on adjacent and overlapping areas may be combined when it is the most practicable and efficient manner of performing the work, and cost thereof may be determined by estimates: *And provided further*, That unexpended balances upon accomplishment of the purpose for which deposited shall be transferred to miscellaneous receipts or refunded.

(Pub. L. 88-657, § 6, Oct. 13, 1964, 78 Stat. 1090.)

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under sections 532 to 538 of this title 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 Transfer of Functions note set out under section 533 of this title.

§ 538. User fees fund for delayed payments to grantors

Whenever the agreement under which the United States has obtained for the use of, or in connection with, the national forests and other lands administered by the Forest Service a right-of-way or easement for a road or an existing road or the right to use an existing road provides for delayed payments to the Government's grantor, any fees or other collections received by the Secretary for the use of the road may be placed in a fund to be available for making payments to the grantor.

(Pub. L. 88-657, § 7, Oct. 13, 1964, 78 Stat. 1090.)

§ 538a. Forest Service Legacy Road and Trail Remediation Program

(a) Establishment

The Secretary shall establish the Forest Service Legacy Road and Trail Remediation Program (referred to in this section as the "Program").

(b) Activities

In carrying out the Program, the Secretary shall, taking into account foreseeable changes in weather and hydrology—

(1) restore passages for fish and other aquatic species by—

(A) improving, repairing, or replacing culverts and other infrastructure; and

(B) removing barriers, as the Secretary determines appropriate, from the passages;

(2) decommission unauthorized user-created roads and trails that are not a National Forest System road or a National Forest System trail, if the applicable unit of the National Forest System has published—

(A) a Motor Vehicle Use Map and the road is not identified as a National Forest System road on that Motor Vehicle Use Map; or

(B) a map depicting the authorized trails in the applicable unit of the National Forest System and the trail is not identified as a National Forest System trail on that map;

(3) prepare previously closed National Forest System roads for long-term storage, in accordance with subsections (c)(1) and (d), in a manner that—

(A) prevents motor vehicle use, as appropriate to conform to route designations;

(B) prevents the roads from damaging adjacent resources, including aquatic and wildlife resources;

(C) reduces or eliminates the need for road maintenance; and

(D) preserves the roads for future use;

(4) decommission previously closed National Forest System roads and trails in accordance with subsections (c)(1) and (d);

(5) relocate National Forest System roads and trails—

(A) to increase resilience to extreme weather events, flooding, and other natural disasters; and

(B) to respond to changing resource conditions and public input;

(6) convert National Forest System roads to National Forest System trails, while allowing for continued use for motorized and non-motorized recreation, to the extent the use is compatible with the management status of the road or trail;

(7) decommission temporary roads—

(A) that were constructed before November 15, 2021—

(i) for emergency operations; or

(ii) to facilitate a resource extraction project;

(B) that were designated as a temporary road by the Secretary; and

(C)(i) in violation of section 1608(b) of this title, on which vegetation cover has not been reestablished; or

(ii) that have not been fully decommissioned; and

(8) carry out projects on National Forest System roads, trails, and bridges to improve resilience to extreme weather events, flooding, or other natural disasters.

(c) Project selection

(1) Project eligibility

(A) In general

The Secretary may only fund under the Program a project described in paragraph (3) or (4) of subsection (b) if the Secretary previously and separately—

(i) solicited public comment for changing the management status of the applicable National Forest System road or trail—

(I) to close the road or trail to access; and

(II) to minimize impacts to natural resources; and

(ii) has closed the road or trail to access as described in clause (i)(I).

(B) Requirement

Each project carried out under the Program shall be on a National Forest System road or trail, except with respect to—

(i) a project described in subsection (b)(2); or

(ii) a project carried out on a watershed for which the Secretary has entered into a cooperative agreement under section 1011a of this title.

(2) Annual selection of projects for funding

The Secretary shall—

(A) establish a process for annually selecting projects for funding under the Program, consistent with the requirements of this section;

(B) solicit and consider public input regionally in the ranking of projects for funding under the Program;

(C) give priority for funding under the Program to projects that would—

(i) protect or improve water quality in public drinking water source areas;

(ii) restore the habitat of a threatened, endangered, or sensitive fish or wildlife species; or

(iii) maintain future access to the adjacent area for the public, contractors, permittees, or firefighters; and

(D) publish on the website of the Forest Service—

(i) the selection process established under subparagraph (A); and

(ii) a list that includes a description and the proposed outcome of each project funded under the Program in each fiscal year.

(d) Implementation

In implementing the Program, the Secretary shall ensure that—

(1) the system of roads and trails on the applicable unit of the National Forest System—

(A) is adequate to meet any increasing demands for timber, recreation, and other uses;

(B) provides for intensive use, protection, development, and management of the land under principles of multiple use and sustained yield of products and services;

(C) does not damage, degrade, or impair adjacent resources, including aquatic and wildlife resources, to the extent practicable;

(D) reflects long-term funding expectations; and

(E) is adequate for supporting emergency operations, such as evacuation routes during wildfires, floods, and other natural disasters; and

(2) all projects funded under the Program are consistent with any applicable forest plan or travel management plan.

(e) Savings clause

A decision to fund a project under the Program shall not affect any determination made

previously or to be made in the future by the Secretary with regard to road or trail closures.

(Pub. L. 88-657, §8, as added Pub. L. 117-58, div. D, title VIII, §40801(a), Nov. 15, 2021, 135 Stat. 1094.)

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

§ 539. Additions to existing national forests; administration

(a) The following units of the National Forest System are hereby expanded:

(1) Chugach National Forest by the addition of four areas, Nellie Juan, College Fjord, Copper/Rude River, and Controller Bay, containing approximately one million nine hundred thousand acres of public land, as generally depicted on the map entitled “Chugach National Forest additions—proposed”, and dated October 1978; and

(2) Tongass National Forest by the addition of three areas, Kates Needle, Juneau Icefield, and Brabazon Range, containing approximately one million four hundred and fifty thousand acres of public lands, as generally depicted on the map entitled “Tongass National Forest additions—proposed”, and dated October 1978.

(b) Subject to valid existing rights, lands added to the Tongass and Chugach National Forests by this section shall be administered by the Secretary in accordance with the applicable provisions of this Act and the laws, rules, and regulations applicable to the national forest system: *Provided*, That the conservation of fish and wildlife and their habitat shall be the primary purpose for the management of the Copper/Rude River addition and the Copper River-Bering River portion of the existing Chugach National Forest, as generally depicted on the map appropriately referenced and dated October 1978: *Provided*, That the taking of fish and wildlife shall be permitted within zones established by this subsection pursuant to the provisions of this Act and other applicable State and Federal law. Multiple use activities shall be permitted in a manner consistent with the conservation of fish and wildlife and their habitat as set forth in special regulations which shall be promulgated by the Secretary.

(Pub. L. 96-487, title V, §501, Dec. 2, 1980, 94 Stat. 2398.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.