

Subsec. (d). Pub. L. 101-626, §102, added subsec. (d) and struck out former subsec. (d) which read as follows: "The provisions of this section shall apply notwithstanding the provisions of section 6(k) of the National Forest Management Act of 1976 (90 Stat. 2949)."

Subsec. (e). Pub. L. 101-626, §103(a), added subsec. (e).
Subsec. (f). Pub. L. 101-626, §105(b), added subsec. (f).

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-626, §1(a), Nov. 28, 1990, 104 Stat. 4426, provided that: "This Act [amending this section and sections 472a and 539e of this title, enacting provisions listed in a table of Wilderness Areas set out under section 1132 of this title, and enacting provisions set out as notes under this section and section 539e of this title] may be cited as the "Tongass Timber Reform Act".

STUDY CONTAINING RECOMMENDATIONS ON NEED TO STANDARDIZE RIPARIAN MANAGEMENT PRACTICES IN TONGASS NATIONAL FOREST

Pub. L. 101-626, title I, §103(b), Nov. 28, 1990, 104 Stat. 4427, directed the Secretary of Agriculture, no later than one year after Nov. 28, 1990, to prepare and transmit to Congress a study containing recommendations on the need, if any, to standardize riparian management practices for Federal, State, and private lands within the Tongass National Forest.

APPLICATION OF AMENDMENTS BY PUB. L. 101-626 TO CERTAIN LONG-TERM TIMBER SALE CONTRACTS

Pub. L. 101-626, title I, §105(c), Nov. 28, 1990, 104 Stat. 4428, provided that: "The provisions of subsections (a) and (b) of this section [amending this section and section 472a of this title] shall not apply to the purchase of timber within the Tongass National Forest pursuant to the long-term timber sale contracts numbered 12-11-010-1545 and A10fs-1042 between the United States and the Alaska Pulp Corporation, and between the United States and the Ketchikan Pulp Company, respectively."

APPLICABILITY OF SUBSECTION (a) FROM OCTOBER 1, 1987 UNTIL SEPTEMBER 30, 1989

Pub. L. 100-203, title V, §5202, Dec. 22, 1987, 101 Stat. 1330-267, provided that from the period beginning on October 1, 1987, and extending until September 30, 1989, the provisions of subsec. (a) of this section was not effective, and that in lieu thereof, the following provision was to apply: "There is hereby authorized to be appropriated the sum of at least \$40,000,000 annually (or such sums as the Secretary of Agriculture determines necessary) to maintain the timber supply from the Tongass National Forest to dependent industry at a rate of 4,500,000,000 foot board measure per decade."

§ 539e. Reports

(a) Timber supply and demand in southeastern Alaska

The Secretary is directed to monitor timber supply and demand in southeastern Alaska and report annually thereon to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(b) Status of Tongass National Forest in southeastern Alaska; contents

Within five years from December 2, 1980, and every two years thereafter the Secretary shall review and report to Congress on the status of the Tongass National Forest in southeastern Alaska. This report shall include, but not be limited to, (1) the timber harvest levels in the

forest since December 2, 1980; (2) the impact of wilderness designation on the timber, fishing, and tourism industry in southeast Alaska; (3) measures instituted by the Forest Service to protect fish and wildlife in the forest; (4) the status of the small business set aside program in the Tongass Forest,¹ and (5) the impact of timber management on subsistence resources, wildlife, and fisheries habitats.

(c) Cooperation and consultation

The study required by this section shall be conducted in cooperation and consultation with the State, affected Native Corporations, the southeast Alaska timber industry, the Southeast Alaska Conservation Council, the southeast Alaska commercial fishing industry, and the Alaska Land Use Council.²

(Pub. L. 96-487, title VII, §706, Dec. 2, 1980, 94 Stat. 2420; Pub. L. 101-626, title I, §104, Nov. 28, 1990, 104 Stat. 4427; Pub. L. 103-437, §6(d)(31), Nov. 2, 1994, 108 Stat. 4584.)

Editorial Notes

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1990—Subsec. (a). Pub. L. 101-626, §104(a), struck out at end "If, at any time after December 2, 1980, the Secretary finds that the available land base in the Tongass National Forest is inadequate to maintain the timber supply from the Tongass National Forest to dependent industry at the rate of four billion five hundred million foot board measure per decade, he shall include such information in his report."

Subsec. (b). Pub. L. 101-626, §104(a), added cl. (5).

Subsec. (c). Pub. L. 101-626, §104(b), substituted "the southeast Alaska commercial fishing industry, and the Alaska Land Use Council." for "and the Alaska Land Use Council".

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b) of this section relating to reporting to Congress, every two years, on the status of the Tongass National Forest, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 48 of House Document No. 103-7.

STUDY REGARDING FEASIBILITY OF ACQUIRING PREVIOUSLY HARVESTED PRIVATE LANDS IN TONGASS NATIONAL FOREST

Section 501 of Pub. L. 101-626 directed the Secretary, no later than one year after Nov. 28, 1990, to complete a study regarding feasibility of acquiring private lands located within boundary of the Tongass National Forest, which have been significantly harvested and to transmit the study to specific committees of Congress.

§ 539f. Nonprofit organization user of national forest lands

(a) Permits for organization camps; waiver of charges; performance of services; loss of entitlement

Notwithstanding any other provision of law, the Secretary of Agriculture is directed to waive

¹ So in original. The comma probably should be a semicolon.

² So in original.

annually without charge all or a portion of payment or rental fees required under terms of a permit for use of certain lands of the National Forest System as organization camps by local units of the Boy Scouts of America or such other nonprofit organization when such local units of the Boy Scouts of America or such nonprofit organization are willing to perform services, as the Secretary prescribes and determines will yield a valuable benefit to the public and to the program of the Secretary of such lands. If the Secretary determines that a local unit of the Boy Scouts of America or such other nonprofit organization has not fully performed such services, such organization shall not be entitled in the subsequent year to waiver under the provisions of this section.

(b) “Other nonprofit organization” defined

The term “other nonprofit organization” shall mean (1) a nonprofit organization holding an exemption under section 501(c) of title 26; and (2) a nonprofit association or nonprofit corporation, which is not controlled or owned by profit-making corporations or business enterprises, and which is engaged in public or semipublic activity to further public health, safety, or welfare.

(Pub. L. 98-478, §3, Oct. 16, 1984, 98 Stat. 2216; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

Editorial Notes

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

§ 539g. Kings River Special Management Area

(a) Establishment

In order to provide for public outdoor recreation use and enjoyment of certain areas within the Sierra National Forest and the Sequoia National Forest, to protect those areas’ natural, archaeological, and scenic resources, and to provide for appropriate fish and wildlife management of those areas, there is hereby established the Kings River Special Management Area (hereinafter in this Act referred to as the “special management area”). The special management area shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as “the Secretary”) through the Sierra National Forest.

(b) Area included

The special management area shall consist of the lands, waters, and interests therein within the area generally depicted on the map entitled “Boundary Map, Kings River Special Management Area”, dated April 1987. The map shall be on file and available for public inspection in the offices of the National Forest Service, Department of Agriculture. The Secretary of Agriculture may from time to time make minor revisions of the boundary of the special management area.

(c) Administration

The Secretary shall administer the special management area in accordance with this Act

and with the provisions of law generally applicable to units of the National Forest System. In the case of any conflict between the provisions of such Acts, the provisions of this Act shall govern. In the administration of the special management area the Secretary may utilize such statutory authority as may be available to him for the conservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act. Nothing in this Act shall be construed to prohibit grazing within the special management area to the same extent, and in accordance with the same rules and regulations as applicable in the absence of this Act. The Secretary may permit the cutting of timber within the special management area only in those cases where in the judgment of the Secretary the cutting of such timber is required in order to control the attacks of fire, insects, or diseases or to otherwise conserve the scenery or the natural or historical objects in the area.

(d) Mining and mineral leasing

Subject to valid existing rights, lands within the special management area are withdrawn from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States and from operation of the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.].

(e) Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters within the special management area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies, regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) Management plan

After consultation with the State of California, the Secretary shall publish a management plan for the special management area within three years after November 3, 1987. The plan shall provide for public outdoor recreation use and enjoyment of the special management area, protect the area’s natural, archeological, and scenic resources, and provide for appropriate fish and wildlife management within the area. The plan shall contain provisions for management of vegetation within the area designed to enhance the wildlife carrying capacity of the area. The plan shall permit off-road vehicular use of off-road trails to the same extent and in the same locations as was permitted before November 3, 1987. The plan shall provide for the development of hiking trails in the special management area and shall include a trail from Garlic Creek to Little Tehipite Valley.

(g) Access to private lands

If any State or privately owned land or any valid mining claim or other valid occupancy is within the special management area, or if State or private subsurface rights underlie public