

(c)<sup>1</sup> Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) (as well as any portion of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a), but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.

(June 9, 1930, ch. 416, §3, 46 Stat. 527; Pub. L. 94-588, §18, Oct. 22, 1976, 90 Stat. 2962; Pub. L. 108-447, div. E, title III, §318, Dec. 8, 2004, 118 Stat. 3096; Pub. L. 109-54, title IV, §412, Aug. 2, 2005, 119 Stat. 551.)

#### Editorial Notes

##### AMENDMENTS

2005—Subsec. (a). Pub. L. 109-54 added cl. (5).

2004—Pub. L. 108-447, §318(1), which directed the amendment of this section “by striking ‘The Secretary of Agriculture may, when in his’ and inserting ‘(a) The Secretary of Agriculture may, when in his or her’”;

“(b) Amounts deposited under subsection (a)””, was partially executed by designating existing text as subsec. (a) and substituting “The Secretary of Agriculture may, when in his or her” for “The Secretary of Agriculture may, when in his”. However, the provisions relating to subsec. (b) were not inserted, because of missing directory language.

Subsec. (a). Pub. L. 108-447, §318(2), substituted “may direct. The Secretary of Agriculture” for “may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further*, That the Secretary of Agriculture”.

Subsec. (c). Pub. L. 108-447, §318(3), added subsec. (c). 1976—Pub. L. 94-588 struck out “or” before “(3)” and substituted “, or (4) protecting and improving the future productivity of the renewable resources of the forest land on such sale area, including sale area improvement operations, maintenance and construction, reforestation and wildlife habitat management” for “: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years”.

#### § 576c. Supplemental National Forest Reforestation Fund; establishment; duration; authorization of appropriations

Notwithstanding any other provision of law, the Secretary of Agriculture shall establish a “Supplemental National Forest Reforestation

Fund”, and transfer to that fund beginning with the fiscal year, commencing July 1, 1972, and ending on September 30, 1987, such amounts as may be appropriated therefor. There is hereby authorized to be appropriated for such purpose for each of the fiscal years during such period the sum of \$65,000,000.

(Pub. L. 92-421, §1, Sept. 18, 1972, 86 Stat. 678; Pub. L. 94-273, §2(9), Apr. 21, 1976, 90 Stat. 375.)

#### Editorial Notes

##### AMENDMENTS

1976—Pub. L. 94-273 substituted “September” for “June”.

#### § 576d. Expenditure of Supplemental National Forest Reforestation Fund moneys; availability of moneys from other sources unaffected

Moneys transferred to the National Forest Reforestation Fund under the provisions of sections 576c to 576e<sup>1</sup> of this title shall be available to the Secretary of Agriculture, for expenditure upon appropriation, for the purpose of supplementing programs of tree planting and seeding of national forest lands determined by the Secretary to be in need of reforestation. Such moneys shall be available until expended, and shall be provided without prejudice to appropriations or funds available from other sources for the same purposes, including those available pursuant to section 576b of this title.

(Pub. L. 92-421, §2, Sept. 18, 1972, 86 Stat. 678.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 576e of this title, referred to in text, was repealed by Pub. L. 96-470, title I, §102(b), Oct. 19, 1980, 94 Stat. 2237.

#### § 576e. Repealed. Pub. L. 96-470, title I, § 102(b), Oct. 19, 1980, 94 Stat. 2237

Section, Pub. L. 92-421, §3, Sept. 18, 1972, 86 Stat. 678, required Secretary of Agriculture to provide, within one year after Sept. 18, 1972, a report to Congress setting forth scope of total national forest reforestation needs and a planned program for reforesting such lands, including a description of extent to which funds authorized by sections 576c to 576e of this title were to be applied and to annually thereafter make a report to Congress on use of funds authorized by sections 576c to 576e of this title and progress toward completion of the planned national forest reforestation program.

#### § 577. Public lands in northern Minnesota; withdrawal from entry and appropriation

All public lands of the United States situated north of township 60 north in the Counties of Cook and Lake, State of Minnesota, including the natural shore lines of Lake Superior within such area; all public lands of the United States situated in that part of St. Louis County, State of Minnesota, lying north of a line beginning at the northeast corner of Township 63 north, Range 12 west, 4th P. M., thence westerly along the township line to the southwest corner of Township 64 north, Range 18 west, 4th P. M.,

<sup>1</sup> See 2004 Amendment notes below.

<sup>1</sup> See References in Text note below.

thence northerly to the northwest corner of Township 65 north, Range 18 west, 4th P. M., thence westerly to the southwest corner, Township 66 north, Range 21 west, 4th P. M., thence northerly along the Township line to its intersection with the international boundary between the United States and the Dominion of Canada; all public lands of the United States on the shore lines of the lakes and streams forming the international boundary, so far as such lands lie within the areas heretofore described in this section; all public lands of the United States in that part of the Superior National Forest located in Townships 61 and 62, Ranges 12 and 13 west, 4th P. M.; and all public lands of the United States on the shore lines of Burntside Lake and Lake Vermilion, State of Minnesota, are withdrawn from all forms of entry or appropriation under the public land laws of the United States, subject to prior existing legal rights initiated under the public land laws, so long as such claims are maintained as required by the applicable law or laws and subject to such permits and licenses as may be granted or issued by the Department of Agriculture under laws or regulations generally applicable to national forests.

(July 10, 1930, ch. 881, §1, 46 Stat. 1020.)

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

The act of July 10, 1930, ch. 881, 46 Stat. 1020, which is classified to sections 577 to 577b of this title, is popularly known as the "Shipstead-Nolan Act".

#### Executive Documents

##### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 577a. Conserving shore line beauty for recreational use of public lands in northern Minnesota; regulation of logging

The principle of conserving the natural beauty of shore lines for recreational use shall apply to all Federal lands which border upon any boundary lake or stream contiguous to this area, or any other lake or stream within this area which is now or eventually to be in general use for boat or canoe travel, and that for the purpose of carrying out this principle logging of all such shores to a depth of four hundred feet from the natural water line is forbidden except as the Forest Service of the Department of Agriculture may see fit in particular instances to vary the distance for practical reasons: *Provided*, That in no case shall logging of any timber other than diseased, insect infested, dying, or dead be permitted closer to the natural shore line than two hundred feet, except where necessary to open areas for banking grounds, landings, and other uses connected with logging operations.

(July 10, 1930, ch. 881, §2, 46 Stat. 1021.)

#### Executive Documents

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#### § 577b. Preserving water level of lakes and streams of public lands in northern Minnesota; reservoirs; water power

In order to preserve the shore lines, rapids, waterfalls, beaches, and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream within or bordering upon the designated area shall be authorized by any permit, license, lease, or other authorization granted by any official or commission of the United States, which will result in flooding lands of the United States within or immediately adjacent to the Superior National Forest, unless and until specific authority for granting such permit, license, lease, or other authorization shall have first been obtained by special Act from the Congress of the United States covering each such project: *Provided*, That nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Canada and concluded between the United States and Great Britain on January 11, 1909, and action taken or to be taken in accordance with provisions of the convention, protocol, and agreement between the United States and Canada, which were signed at Washington on February 24, 1925, for the purpose of regulating the levels of the Lake of the Woods: *Provided*, That with the written approval and consent of the Forest Service of the Department of Agriculture, reservoirs not exceeding one hundred acres in area may be constructed and maintained for the transportation of logs or in connection with authorized recreational uses of national-forest lands, and maximum water levels not higher than the normal high-water mark may be maintained temporarily where essential strictly for logging purposes, in the streams between lakes by the construction and operation of small temporary dams: *Provided, however*, That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the Act of June 11, 1906 (34 Stat. 233), any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes: *Provided further*, That the provisions of this section shall not apply to any proposed development for water-power purposes for which an application for license was pending under the terms of the Federal Power Act [16 U.S.C. 791a et seq.] on or before January 1, 1928.

(July 10, 1930, ch. 881, §3, 46 Stat. 1021.)

#### Editorial Notes

##### REFERENCES IN TEXT

Act of June 11, 1906 (34 Stat. 233), referred to in text, which was classified to sections 506 to 508 and 509 of