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Calendar No. 860

94TH CONGRESS }
2d Session }

SENATE {

REPORT
No. 94-905

NATIONAL FOREST MANAGEMENT ACT OF 1976

MAY 19, 1976.—Ordered to be printed

Mr. METCALF, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 3091]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3091) a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

The Committee on Agriculture and Forestry in Report No. 94-893 dated May 15, 1976, recommended amending S. 3091 by striking all after the enacting clause and inserting a new text. The Committee on Interior and Insular Affairs concurs with that recommendation, and with the discussion of the bill in Report No. 94-893.

I. PURPOSE

The National Forest Management Act of 1976 is designed to provide modern policy guidelines for management of the National Forest system. It also will resolve the legal questions over the existing timber sale authority which were raised by the so-called *Monongahela* decision, *Izaak Walton League et al. v. Butz*, (522 F. 2d 945, 4th Cir., 1975).

II. MAJOR PROVISIONS

The report of the Committee on Agriculture and Forestry (S. Rep. No. 94-893) discusses in detail the provisions of the bill. The following summary of major provisions may be useful.

1. *Specific guidelines for inventory and land use planning.*—Planners must consider both the economic and environmental aspects of various resource management systems. Calls for diversity of plant

and animal communities which is a particular concern in eastern hardwood forests. Requires continuous field evaluation of management systems and conformance of all activities and timber contracts with land management plans. Interim guidelines must be established within 90 days and permanent guidelines within two years. (Section 5.)

2. *Public Participation and Intergovernmental Coordination.*—Requires consultation with state resource management agencies, establishment of advisory boards, and public participation in development of resource guidelines and plans. (Section 5(c) and Section 14.)

3. *Allowable Cut Determinations.*—Allowable cuts must be based only on land available and suitable for timber production. Timber production will not be a management goal where cost of production will exceed estimated economic return. Increases in allowable cuts based on intensified management can be made only if justified and continued only if the anticipated results of management take place. (Sections 5 and 13.)

4. *Lands Suitable For Timber Harvest.*—Requires timber harvesting only from lands where watershed will not be irreversibly damaged, restocking can take place within five years after harvest, and bodies of water are protected where harvest could adversely affect water conditions or fish habitat. (Section 5.)

5. *Clearcutting.*—Permits clearcutting (and other even-aged management) only where it is the optimum silvicultural method to meet the objectives of the land management plan. Clearcut areas must be blended to the extent practicable with the natural terrain. Requires Forest Service to establish maximum size limits for clearcuts. (Section 5.)

6. *Timber Sales.*—Amends the 1897 Act to eliminate the archaic language leading to the *Monongahela* decision. Validates existing contracts. Places a general ten-year term on the sale contracts and requires a plan of operation which must be complied with. (Sections 14 and 15.)

7. *Road Construction.*—Requires that all roads be designed to standards appropriate for the intended uses considering safety, cost of transportation, and impacts on land and resources. Temporary roads must be designed so that vegetative cover will be reestablished within ten years after termination of the contracts. Eliminates "prudent operator" provision of a 1964 road act. This provision precludes Forest Service from requiring construction of multiple use roads by operators despite the fact that the operator receives full credit for his expenditures against the price of the timber. Timber industry strongly opposes its elimination. (Sections 8 and 20.)

8. *Revenue Sharing With States and Counties.*—Amends the Knutson-Vandenberg Act which provides that states receive 25 percent of the monies received from timber sales so that the 25 percent will be calculated on the basis of gross receipts rather than net as is present practice. At current rates, this will increase the total payment to states for expenditures in the counties by approximately \$60 million a year. (Section 16.)

III. LEGISLATIVE HISTORY

The Committees on Interior and Insular Affairs and Agriculture and Forestry held three days of joint hearings on March 15, 16, and

22. The bills under consideration were S. 2926, the National Forest Timber Management Reform Act of 1976, introduced by Senator Randolph and referred to both the Committees; S. 3091, introduced by Senator Humphrey and referred to the Agriculture Committee; and S. 2851, introduced by Senators Stevens and Gravel and referred to the Agriculture Committee.

Under the rules of the Senate, the two Committees share jurisdiction over matters relating to the National Forests. The Committee on Interior and Insular Affairs has jurisdiction over forest reserves created from the public domain. This is approximately 160 million acres of the 187 million acres included in the National Forest System.

The Committee on Agriculture and Forestry has jurisdiction over forestry in general and forest reserves other than those created from the public domain.

The two Committees conducted joint markup sessions on S. 3091 on April 27 and 29 and May 3 and 4. The Committee deeply appreciates the courtesies extended by Chairman Talmadge and the members of the Agriculture Committee during both the hearings and the mark ups.

The Committees drew heavily on the March, 1972 Committee Print, "Clearcutting on Federal Timberlands", Report by the Subcommittee on Public Lands to the Committee on Interior and Insular Affairs, United States Senate, 92d Congress, 2d Session.

IV. COMMITTEE RECOMMENDATION AND TABULATIONS OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session, on May 5, 1976, by unanimous vote of a quorum present, recommended that the Senate pass S. 3091, if amended as described in the report on the bill by the Committee on Agriculture and Forestry.

Pursuant to Section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes of the Committee during consideration of S. 3091:

During the Committee's consideration of S. 3091, a number of voice votes and roll call votes were taken and amendments introduced. These votes were taken in open business meeting and thus were announced by the Committee in accordance with provisions of Section 133(b). They are set out in the minutes of the meetings maintained in the Committee's files.

V. COST AND BUDGETARY CONSIDERATIONS

These are set out in the report of the Committee on Agriculture and Forestry (S. Rept. No. 94-893).

VI. EXECUTIVE COMMUNICATION

The Administration's views on S. 3091 are set out in the report of the Committee on Agriculture and Forestry. (See Report 94-893.)

During the markup on S. 3091, the two Committees considered an amendment offered by Senator Bumpers dealing with procedures to be followed by the Forest Service for inventoried roadless areas larger than 5,000 acres. This issue related to the implementation of the

Wilderness Act of 1964 which is under the jurisdiction of the Committee on Interior and Insular Affairs.

Senator Bumpers withdrew his amendment so that he and other members of the Interior Committee could pursue the issue with the Forest Service. The following exchange of letters between Senators Metcalf, Bumpers and McClure and Chief McGuire set out the understanding that has been reached.

U.S. SENATE,
Washington, D.C., May 14, 1976.

Chief JOHN MCGUIRE,
*U.S. Forest Service, Department of Agriculture,
Washington, D.C.*

DEAR CHIEF MCGUIRE: As you may recall during the markup on S. 3091, Senator Bumpers first offered and then withdrew an amendment dealing with the procedures for inventoried roadless areas larger than 5,000 acres.

We feel that it is necessary for the Forest Service to be able to carry out its management plans, and for the Congress to have adequate time to provide both general oversight of land management decisions, and, in cases of serious controversy, to have an opportunity to determine whether direct congressional action is needed. All of us are dissatisfied, as we know you are, with the inordinate amount of time that has been spent in dealing with several recent issues in a crises atmosphere.

Subsequent to the markup, Senator Bumpers met with you in his office to discuss this issue in more detail. It is our understanding that an agreement was reached which does not differ substantially from present Forest Service practices. It would be extremely useful if you could provide us with a letter describing the procedures which were discussed at that time so that they may be included in the Interior Committee Report of S. 3091.

By making these procedures more visible, it is our hope that the Forest Service will be able to proceed more expeditiously with implementing its management plans without undue delay, and the Congress will be able to more effectively consider for wilderness study or designation those areas which may merit such action.

We greatly appreciate your cooperation in this matter.

Sincerely,

LEE METCALF,
Acting Chairman.
DALE BUMPERS,
JAMES MCCLURE.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., May 14, 1976.

HON. LEE METCALF,
*Acting Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.*

DEAR MR. CHAIRMAN: In response to your request, we are pleased to outline our policy regarding the management of inventoried roadless areas and wilderness study areas within the National Forest System.

A complete study will be made of each of the wilderness study areas

to determine its suitability or non-suitability for preservation as wilderness. During the entire study process, including the filing of environmental statements, we will protect the wilderness study areas from any activity that would change the land characteristics in such a way as to preclude the area from wilderness designation. However, our efforts to protect wilderness study areas will be subject to valid existing rights, including those under the mining laws of 1872. We will, to the extent possible, defer discretionary actions, such as those related to mineral leasing, within wilderness study areas until after the preparation of land management plans, the filing of environmental statements, and the making of final decisions.

Furthermore, the inventoried roadless areas not selected for wilderness study will also be managed to protect their wilderness characteristics until land management plans including environmental statements have been completed and wilderness values as well as other values have been considered.

If the decision set forth in any final environmental statement affecting an inventoried roadless area is to use the area for purposes other than wilderness, we will delay implementation of such a decision for 90 calendar days while Congress is in session. This will provide an ample period during which the appropriate Congressional Committee chairmen can become informed about the planned action. If, during the 90-day period, one of the appropriate Committee chairmen requests a further delay in implementation of the decision so that hearings can be held, we will provide an additional delay of reasonable duration. We would hope that such additional delays will be generally requested only under unusual circumstances and that they will normally be of no more than six months duration.

If the House or the Senate passes a bill to designate all or any portion of an inventoried roadless area as wilderness or to designate all or any portion of an inventoried roadless area for wilderness study, we will protect the wilderness characteristics of the area during the period between passage by one House and action by the other House in the same Congress. The protection of wilderness characteristics within inventoried roadless areas not selected for wilderness study is also subject to valid existing rights such as access to and from private lands.

In the case of inventoried areas not selected for wilderness study, we do not plan to prepare environmental statements for actions that might reduce the area's wilderness characteristics in emergency situations (such as fire and insect outbreaks) or where the exercise of valid existing private rights are involved.

Sincerely,

JOHN R. MCGUIRE, *Chief.*

ADDITIONAL VIEWS OF SENATORS FANNIN, HATFIELD,
AND McCLURE

During the markup of S. 3091 concern was raised about deficit sales on National Forest lands. These are sales that do not appraise out with a full profit margin under the appraisal system. A large part of the reason for deficit sales involves the construction of roads. The Agriculture Committee Report has already commented on the desirability to restore a better balance between appropriated funding of roads and roads financed by individual timber sales. This in itself will provide relief in helping to eliminate deficit timber sales for this reason. In broadening the application of the Act of June 9, 1930, it is not intended to provide for an increased deficit sale situation. About 40 percent of the timber sales in the Rocky Mountain area fall into this deficit category.

There was considerable debate during the markup on Section 6(H) (iii) over the intent of this Section. It is the understanding as expressed in these additional views that the intent is to avoid planting trees on those lands where there is clearly no chance of achieving a commercial forest crop, however, planting trees or other vegetation for other multiple use purposes is not precluded.

PAUL J. FANNIN.
MARK O. HATFIELD.
JAMES A. McCLURE.

ADDITIONAL VIEWS OF SENATOR BUMPERS

I generally support the form and substance of S. 3091 as amended. On the whole, the bill strikes a reasonable balance between legitimate economic and environmental concerns. It reaffirms and strengthens the commitment of Congress to multiple-use management of our National Forests, but does so without unduly restricting the management options available to the Forest Service. At the same time, it affords the Forest Service a much-needed measure of protection against unwarranted or extreme demands from any single user group, and, by increasing public participation in the planning process, assures that the National Forests will be managed in the best interests of the entire Nation.

In setting out broad policy guidelines rather than prescribing strict management practices, S. 3091 reflects the confidence of the Agriculture and Interior Committees in the professional abilities of the Forest Service. During extensive hearings prior to the mark-up of this bill, a substantial amount of testimony was heard indicating that the Forest Service had made serious mistakes in the past. To their great credit, I believe that they have been making good-faith efforts in recent years to correct those mistakes and prevent their recurrence. While it would be naive to hope that any legislation could preclude the possibility of human error, I feel that the passage of S. 3091 will assist in reducing the likelihood of future mistakes, because if for no other reason, it provides the Forest Service with a clearer policy directive.

This legislation had its origins in a court case involving the application of the Organic Act of 1897 to three proposed timber sales in the Monongahela National Forest. It is important to note that S. 3091 resolves the so-called Monongahela issue in its broadest sense. It goes beyond merely amending the 1897 Act by addressing many of the problems that caused suit to be filed in the first place.

There are several features of the bill which I would like to single out for additional comment.

ROAD CREDITS

One of the most important features of this bill is the section which reforms the method of calculating payments from timber sales to counties located in the National Forests. Under laws enacted early in this century, 25 percent of the "moneys received" from National Forest timber sales are turned back to the states for distribution to eligible counties. These funds, which are intended to compensate the counties for lost tax revenues, are specifically earmarked for the benefit of public roads and public schools.

Since 1964, the Forest Service has had the authority to require the successful bidders on timber contracts to construct the roads needed to

carry out the harvesting operations. In return, the purchaser receives a credit equal to the road construction costs, which is then deducted from the sale price of the timber. The result of this method of constructing logging roads is to reduce the "moneys received" by the Forest Service, and hence to reduce the payments to counties. In effect, the county school and road systems subsidize the construction of roads in the National Forests.

Up until the early 1970's, approximately half of the roadbuilding activity on the National Forests was financed by purchaser credits, while the other half was financed by direct appropriations. Within recent years, however, up to 95% of road construction costs has been borne by purchaser credits, with devastating results on the level of payments to counties. For example, it is estimated that, in the current fiscal year, purchaser credits will account for \$210 million in a Forest Service road-building budget of \$221.9 million. This heavy reliance on purchaser-credit roads deprives the National Forest counties of \$52.5 million in timber-sales payments.

Section 16 of S. 3091 corrects this inequitable situation by defining the term "moneys received" to include all credits allowed timber purchasers for permanent road construction. In addition, the collections under the Knudson-Vandenberg Act, which gave the Forest Service the authority to require deposits from timber purchasers for reforesting harvested areas, are also defined as "moneys received" by this section. The amendment will neither directly affect the construction of purchaser-credit roads nor the collection of K-V funds; it will simply ensure that counties do not suffer financially as a result of these actions.

Not only does this revision correct an inequitable situation, but it will also go a long way towards the improvement of the highly strained relations which now often exist between local counties and the Forest Service.

THE FOREST ROAD SYSTEM

The second road-related issue which the Committees considered was the extensive nature of the permanent road system within the National Forests. While I fully appreciate the need for an adequate road system to meet the needs of timber production, recreation, and other multiple uses, I agree with the criticisms offered by several members of both Committees that too many miles of permanent roads are being built and that many roads are built to too high a standard.

Much of the intent of the Forest Service's recent road policy is laudable. Namely, it is an attempt to reduce erosion, stream siltation and other environmental degradation, by constructing roads to higher standards. Unfortunately, the building of permanent roads in many areas has created new problems by encouraging uncontrolled access to remote, lightly patrolled forest areas with an attendant increase in litter, vandalism, fire danger, and an increased encroachment on the solitude which these areas once offered the hunter, the fisherman, the hiker, and the naturalist. Nor is simply closing off such roads, once they are constructed, an adequate remedy. Local people justifiably find it difficult to understand why they should be denied the use of a road built with their own tax monies.

I would also question the wisdom of tying up capital now, and foregoing the use of those funds and their accruable interest for a permanent timber road system in areas dedicated to a long timber rotation cycle. Let us remember that 50 years ago the truck and timber roads were by no means the dominant means of timber removal. It is naive to assume that our present timber removal technology will be the preferred method 50 or more years from now as we begin cutting our next crop of timber on these managed forest lands.

I strongly support Section 8 which encourages the Forest Service to reduce its reliance on permanent roads built to excessively high standards. It is my hope that the Forest Service will use this provision as an opportunity to re-examine its forest roads policy. A change in this policy, as indicated in Section 8, should benefit all who cut timber on Forest Service lands by reducing their costs. It should be especially beneficial to the small producer who lacks the capability necessary to build roads to the high standards presently required. Finally, this new policy should appeal to the many sportsmen and environmentalists who have complained of what they see as a compromising of the wildlife and recreational values of the National Forests by present road building practices. I am confident that the Forest Service can continue to provide adequate protection to the streams and soils of our National Forests with a road building program that remains within the bounds set by this section.

TYPE CONVERSION.

The issue of type conversion is an exceedingly important one, especially for Eastern forests. I have received numerous complaints on this issue from constituents in my state, and I understand other Senators have had little experience.

The basic issue is the extent to which the Forest Service should clear an area of its existing mixture of tree species and replace it with a different set of species. In Arkansas, this process has involved the systematic removal of thousands of acres of mixed hardwood stands and their replacement by stands that are predominantly pine.

The Forest Service rightly points out that many Eastern forest lands have been purchased by the Forest Service in a cut-over condition which little resembles their original vegetative cover. There is a need, they argue, to replace existing, low value, low yielding species that are less well-suited to these soils, with other more desirable species.

Unfortunately, both this policy, and the means to implement it, have been highly controversial. Large hardwood areas have been clearcut and extensive aerial spraying of herbicides has been employed to remove these species. Testimony in our hearings corroborated complaints I have received from hunters and other wildlife enthusiasts in Arkansas, that the largely pine forest that is replanted does not support the quantity nor the diversity of wildlife sustained by the previous forest type. There is also a general aesthetic loss and, in my state, a specific loss of the impressive fall colors display of the hardwoods so important to our tourist industry and our citizens in general.

Section 5(d)(6)(B) of this bill would discourage the Forest Service from wholesale tree species or type conversion schemes in the future. Wisely, in my opinion, this provision does not forbid all such

conversions, but rather sets guidelines that require the Forest Service to maintain a diversity of forest types. Because of the many needs which our National Forests meet, it is not appropriate that they be devoted to single purpose, short rotation, high yield tree farms. This is especially true with our Eastern forests with their close proximity to large populations who place great demand on these areas for their water, wildlife, aesthetic, and recreational values in addition to their timber resources. This provision provides the Forest Service with some useful guidance on this important matter.

RECYCLED FOREST PRODUCT MATERIALS

The need for a new National Forest policy bill at this time arose from the clash between the competing demands for timber production and other multiple uses. Reports from the Forest Service and the forest products industry show that the demand for both forest products and forest recreation will increase sharply during the coming years.

This bill recognizes, for the first time in legislation, that the potential conflict between these diverse uses can be reduced by recognizing recycled forest product materials (especially paper fiber) as part of our renewable forest resource base. The Forest Service is encouraged by this bill to increase the use of recycled forest product materials by a program of research, development, and promotion.

At one time, nearly 40% of our paper was recycled, but presently only half that percentage is reused. There may also be opportunities for reusing lumber in some instances for both board and fiber purposes. The inclusion of a recycling provision in this bill is a logical extension of the provision to encourage more complete utilization of trees cut on National Forest lands. The combination of more complete utilization of individual trees, and increased recycling of forest product materials could greatly extend our renewable natural resource base. Recycling will also substantially reduce energy requirements and pollution control costs of our forest products industry. I am presently consulting with the Forest Service to see whether an additional amendment is needed to give the Forest Service discretionary authority to implement a policy of greater use of recycled materials by our forest industry.

SOIL NUTRIENT DEPLETION

One issue which I feel has not been adequately addressed in this bill is that of nutrient depletion of forest soils. We speak glibly of our forests providing us a "sustained yield" of renewable board and fiber resources. We contemplate issues related to tree rotation cycles of 50 to 200 years as though we were discussing next year's corn crop. Yet it is a fact that, except for the Southern pine forests which grow on an extremely short rotation cycle, we have yet to demonstrate in practice that forest soils can indeed sustain harvestable forests indefinitely.

Numerous witnesses at the hearing commented on the problem, as have witnesses at previous hearings in previous Congresses. The

Committees recognize that a problem exists in our discussion of Eastern forest lands. The report explicitly states that one of the problems affecting Eastern forest soils is that many of them are severely depleted of their nutrients.

Experience suggests that this issue needs serious attention. By way of example, we need only to look at the way in which some of our great prairies have supported huge grasslands for thousands of years, only to lose their nutrients and blow away in a few short generations. The reliance of our productive agriculture system on energy-intensive chemical fertilizers should provide us with an example of the problems we may meet as we move to more intensive, higher yielding forest management.

It is my fervent hope that "sustained yield" forestry can be supported by our forest soils. The response I have received from too many sources, however, is that we don't know for sure. While this bill does not directly deal with this issue, its goals and objectives rely heavily on the premise that sustained yield forestry is a reality. I strongly urge the Forest Service to accelerate its research program in soil nutrient depletion, with special emphasis on the relative impact of alternative silvicultural practices such as clearcutting and uneven-aged management.

The urgency of such a program is even greater as we strive for higher yields, and simultaneously remove more nutrients through our more efficient utilization of tree components that were formerly left in the forest to decay and renew our soils.

ROADLESS AREAS

During the mark-up session, I proposed an amendment to establish procedures for Congressional oversight and direct action in the establishment of wilderness study areas and additions to the National Wilderness Preservation System. I was dissatisfied with the procedure which we were following in deciding which inventoried roadless areas greater than 5,000 acres should be considered for management as wilderness, and which for timber production. I know that other members of the Interior Committee as well as the Forest Service shared my concern. We were spending far too much time in a crisis atmosphere trying to make decisions on specific areas.

The present approach is counterproductive for a number of reasons. Environmentalists and others concerned with wilderness values have testified that suitable areas have been preempted for wilderness consideration because of actions taken by the Forest Service. The forest products industry has seen expected timber sales withdrawn at the last minute by Congressional action. What is clearly needed is an established procedure whereby Congress can consider, within a reasonable time frame, which areas should be considered further for wilderness designation, and which can be offered for timber harvest. I withdrew my amendment because of technical problems, and agreed to discuss the matter further with the Forest Service.

An exchange of letters between Senators Metcalf, McClure, and Bumpers, and Chief McGuire of the Forest Service is included elsewhere in this report. The letter from Chief McGuire outlines a procedure which he agrees to follow for controversial areas.

The Forest Service is presently preparing unit area management plans for all areas in the National Forest System. Upon completion of those plans, the Forest Service will file an environmental impact statement, and thirty days later will announce their decision. So far this is the policy already being followed by the Forest Service. What is new is that at the time of the decision, the Forest Service will officially notify the appropriate Congressional members, the governor of that state, the Chairman of the Interior Committees of each House of Congress, and, I would assume, the members of the public advisory boards established by this Act. The Forest Service will continue to refrain from taking any discretionary action that might preclude wilderness consideration for an additional 90 days.

If during that 90-day period, the Chairman of either Interior Committee sends a written request to the Forest Service asking for an additional period in which to hold hearings and consider legislation, the Forest Service will continue to withhold any action on the affected area for an additional six months. In the absence of any such request, the Forest Service will begin to implement its recommended land management program at the end of the 90-day period. In unusual circumstances, a chairman may request an additional delay beyond the first six-month period, but it is my hope that Congress, knowing the timetable, could act within that time period.

Should either House enact legislation designating an area as a wilderness study area or a part of the Wilderness Preservation System, the Forest Service has agreed to wait until the end of the Congress in which such action takes place before implementing its plan.

In most cases, this procedure should provide ample time for legislative resolution of wilderness proposals. However, the Forest Service letter is somewhat unclear regarding what happens if this entire process takes place near the end of a Congress. It is my understanding that the Forest Service would respond favorably to a written inquiry from a committee chairman to withhold action in the early stages of a new Congress. Technically, I understand that the Forest Service envisions the 90-day notification period as carrying over into a new Congress. (Calendar days while not in session would count, but calendar days out of session would not.) While I am sure that the Forest Service intends to act in good faith on these matters, I would prefer to see a more specific guideline that would deal with the eventuality of one House acting at the close of a Congress when the other had not. I would have preferred to see a specific time frame for this eventuality to avoid the problem of either raising unwarranted expectations in interminable delay. I trust, however, that for meritorious cases, the Forest Service would grant an additional delay at the start of a new Congress upon the written request of a committee chairman.

I see this system, although perhaps imperfect, as a great improvement. It is my expectation that many non-controversial areas will simply pass through the 90-day waiting period without any Congressional action. This period adds little to procedural delays already inherent in the implementation system, and should greatly reduce the uncertainties of last-minute challenges presently faced by potential timber purchasers. On the other hand, the decision to protect wilderness values is a one-time decision. It is always possible to take action at a later time that will destroy wilderness values. As we have seen

in our Eastern forests, however, the task of "re-creating wilderness" once an area has been cut over is an extremely difficult, long-term task.

I am gratified at the Forest Service response to our letter. I am continuing discussions with them, however, to determine whether an amendment is needed to further clarify this situation.

CLEARCUTTING GUIDELINES

Certainly one of the most important provisions of this bill is the inclusion of general guidelines for the Forest Service to follow in its timber harvesting practices, particularly clearcutting. These guidelines are basically drawn from recommendations put forth by the Subcommittee on Public Lands, chaired by Senator Church in 1972. Since then, these guidelines have been adopted administratively by the Forest Service. It is time they were put on a firm, statutory basis, and I am pleased that they have been generally incorporated into this bill as Section 5(d)(6)(J).

I am concerned, however, that the guidelines may have been weakened during their translation into legislative language. In particular, the language of the bill calls for the use of clearcutting only where it is determined to be the "optimum method" for meeting land management plans. By way of contrast, the Church guidelines provide that clearcutting shall be utilized only where it is "silviculturally essential." This change sacrifices much of the clarity and, I believe, some of the original intent of these guidelines.

The evidence of the past few years, during which the Church guidelines have been followed, indicates that the Forest Service can operate and clearcut within the constraints of the term "silviculturally essential." Moreover, to my knowledge, there has been no outcry from the forest industry that this guideline has been unduly restrictive. I am therefore troubled to see a less stringent clearcutting guideline being written into law.

DALE BUMPERS.

VIII. CHANGES IN EXISTING LAW

These are set out in the report of the Committee on Agriculture and Forestry (S. Rep. 94-893).

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NATIONAL FOREST MANAGEMENT ACT
OF 1976

REPORT
OF THE
COMMITTEE ON AGRICULTURE
AND FORESTRY
UNITED STATES SENATE

TO ACCOMPANY

S. 3091



MAY 14, 1976.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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(III)

NATIONAL FOREST MANAGEMENT ACT OF 1976

MAY 14, 1976.—Ordered to be printed

Mr. HUMPHREY, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 3091]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 3091) to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) and the Act of June 4, 1897 (30 Stat. 35), having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

SHORT EXPLANATION

S. 3091, as amended by the Committee, makes significant changes in laws governing Forest Service programs designed to improve the management of the forest resources of the National Forest System. The major provisions of the bill—

(1) require the Secretary of Agriculture to issue regulations setting out the process for the development and revision of land management plans with specified guidelines and criteria for the protection, use, and development of the renewable resources of the National Forest System. The regulations and required guidelines are to be developed with public participation and in accordance with the Multiple-Use Sustained-Yield Act of 1960 and National Environmental Policy Act of 1969;

(2) set out new provisions governing timber sales on National Forest System lands; and

(3) insure that counties in which National Forest System lands are located will receive 25 percent of the total income from Forest Service timber sales.

COMMITTEE AMENDMENTS

The Committee amendments (1) strike all after the enacting clause and insert in lieu thereof an amendment in the nature of a substitute and (2) amend the title of the bill.

The Committee amendment to the text of the bill is explained in the part of this report entitled "Section-by-Section Analysis".

SUMMARY OF MAJOR PROVISIONS OF S. 3091, AS AMENDED BY THE COMMITTEE

FINDINGS

Findings are added to the Forest and Rangeland Renewable Resources Planning Act of 1974 placing emphasis on the complexity of management of the Nation's renewable resources and the need for a comprehensive Renewable Resource Assessment and a Renewable Resource Program. The findings further emphasize the role of research, the role of private as well as public lands in meeting national needs, and the responsibility and opportunity for the Forest Service to provide leadership in managing and conserving natural resources. (Sec. 2)

REPORT ON FIBER POTENTIAL

The Secretary of Agriculture is required to report in the 1980 and subsequent Assessments required by the Forest and Rangeland Renewable Resources Planning Act of 1974 on additional fiber potential in the National Forest System. (Sec. 3)

RENEWABLE RESOURCE PROGRAM

The Secretary is required to include in the Renewable Resource Program (required by the Forest and Rangeland Renewable Resources Planning Act of 1974) program recommendations which—

- (1) evaluate major Forest Service program objectives to determine multiple-use and sustained-yield relationships of renewable resources;
- (2) explain opportunities for forest and rangeland owners to improve their land;
- (3) recognize the need to protect and, where appropriate, improve soil, water, and air resources; and
- (4) state national goals that recognize the interrelationship and interdependence of all renewable resources. (Sec. 4)

NATIONAL FOREST SYSTEM RESOURCE PLANNING

The Secretary of Agriculture is to provide for public participation in the development, review, and revision of land management plans. (Sec. 5)

Within two years after enactment of the bill, the Secretary is to issue regulations setting out the process for the development and revision of land management plans, and guidelines and standards. (Sec. 5)

The regulations are to include (but not be limited to)—

(1) specifying how the interdisciplinary approach will be implemented;

(2) the types of land management plans and the relationship of the plans to the Program developed under the Forest and Rangeland Resources Planning Act of 1974;

(3) procedures to insure public participation;

(4) procedures to insure compliance with the National Environmental Policy Act of 1969; and

(5) management guidelines. (Sec. 5)

The management guidelines are to take several forms.

a.

One set of guidelines dealing with overall National Forest System land management will require that lands be identified on the basis of their suitability for resource management; that inventory data be obtained; and that methods be provided for identifying special conditions or hazards to various resources and their relationship to alternative activities. (Sec. 5)

b.

Guidelines are also required which will relate land management to the goals of the Renewable Resource Program. The guidelines are to—

(1) insure that the economic and environmental aspects of various methods of renewable resources management are consistent with the purposes of the Multiple-Use Sustained-Yield Act and 1974 Resources Planning Act;

(2) provide for the diversity of plant and animal communities based on land suitability and capability;

(3) recognize special or unique area requirements;

(4) recognize the need to protect soil, water, esthetic, and wildlife resources where conditions are critical for tree regeneration or where the size of a timber sale, cutting area, or stand size and species composition are critical in terms of multiple-use impacts;

(5) specify how the interdisciplinary approach will be applied, including use of the expertise of affected State agencies; and

(6) prescribe appropriate systems of forest management; insure research and appropriate monitoring and evaluation of management systems; and discontinue or modify management systems which impair land productivity.

c.

Other required guidelines for land management plans to achieve the goals of the Renewable Resource Program relating to timber management are to—

(1) provide that harvest levels will be determined only through the land management planning process;

(2) provide that harvest levels will be based on availability and suitability of lands for timber production;

(3) assure that timber production is not a management goal on lands where the estimated cost of production will exceed estimated economic returns; and

(4) insure that timber will be harvested from National Forest System lands only where—

- (a) irreversible damage to soil, slope, or watershed conditions will not occur;
- (b) there is assurance that the lands can be adequately restocked within five years of harvest; and
- (c) protection is afforded bodies of water with respect to water conditions and fish habitat. (Sec. 5)

d.

In addition, the required guidelines for land measurement plans to achieve the goals of the Renewable Resource Program relating to timber management are to insure that clearcutting (including seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber) are used as a cutting method on National Forest System lands only where—

- (1) clearcutting is determined to be the optimum cutting method under the relevant land management plan;
- (2) a comprehensive interdisciplinary review has been made;
- (3) provision is made to blend the cuts with the terrain to the maximum extent practicable;
- (4) cutting areas meet size limits, which will be set to meet conditions of specific regions and situations; and
- (5) the cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and regeneration of the timber resource. (Sec. 5)

The Secretary is to appoint a temporary committee of scientists who are not officers or employees of the Forest Service. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. (Sec. 5)

Provision is made for the revision of plans, permits, contracts and other instruments for the use and occupancy of National Forest System lands consistent with the guidelines and subject to valid existing rights. (Sec. 5)

Interim management procedures are to be established within 120 days after enactment of the bill. (Sec. 5)

NATIONAL PARTICIPATION

If the President's budget request fails to request adequate funds to meet the purposes of the Renewable Resource Program, as approved by Congress, the Director of the Office of Management and Budget will be required to appear personally before the appropriate Congressional committees to explain such failure. (Sec. 6)

RESTORATION OF VEGETATIVE COVER

The Secretary of Agriculture is to report to Congress on the lands where vegetative cover has been removed, stating either the amount of funds needed for revegetation or that the lands do not need revegetation. (Sec. 7)

TRANSPORTATION SYSTEM

Except for needed permanent roads, roads constructed on National Forest System lands are to be designed with the goal of reestablishing vegetative cover within ten years. All roads are to be designed to standards appropriate for the intended uses, considering safety cost of transportation, and impacts on land and resources. (Sec. 8)

NATIONAL FOREST SYSTEM

National Forest System lands are to be returned to public domain status only by an Act of Congress. (Sec. 9)

PUBLIC PARTICIPATION AND ADVISORY BOARDS

Procedures are to be established for public participation and comment on standards, criteria, and guidelines applicable to Forest Service programs. Advisory boards are to be established, representing a cross section of interested individuals and groups, as the Secretary deems necessary to secure full information and advice on the execution of his responsibilities. (Sec. 11)

TIMBER SALES ON NATIONAL FOREST SYSTEM LANDS

The provision of the Act of June 7, 1897, as amended, dealing with the authority for timber sales on National Forest System lands is repealed and new provisions are added.

Under the new provisions—

(1) the Secretary of Agriculture may sell (at not less than appraised value) trees, portions of trees, or forest products located on National Forest System lands;

(2) all advertised timber sales are to be designated on maps and described in an available prospectus;

(3) timber sales contracts are to be for a period not to exceed ten years, unless the Secretary finds that better utilization of the various forest resources, consistent with the Multiple-Use Sustained-Yield Act, will result from allowing a longer contract period;

(4) in general, all timber sales are to be advertised;

(5) designation, marking of trees when necessary, and supervision of tree harvesting are to be conducted by USDA employees; and

(6) standards are to be established for the removal of trees and forest products to provide for the optimum practical use of wood material (including provisions for the salvage of insect-infested, dead, damaged, or down timber). (Sec. 14)

LIMITATIONS ON TIMBER REMOVAL

The Secretary of Agriculture is to limit timber sales from each National Forest to a quantity not greater than the quantity which that forest can produce in perpetuity on a sustained-yield basis. (Sec. 11)

VALIDATION OF TIMBER SALES CONTRACTS

Timber sales made under existing law are validated. However, the Secretary of Agriculture is required to review the three 50-year contracts in Alaska and make them consistent with the purposes of the bill. (Sec. 15)

PAYMENTS TO STATES FOR SCHOOLS AND ROADS

The formula for paying a 25 percent share of National Forest revenues to counties in which National Forest System lands are located is adjusted to minimize adverse impacts on the counties. The adjustment will result in the Forest Service rebating to the counties 25 percent of the *total* income from timber sales. Presently, deduction is made for collections for reforestation and allowances in timber contracts for permanent roads to be built by timber purchasers. (Sec. 16)

ACQUISITION OF NATIONAL FOREST SYSTEM LANDS

The National Forest Reservation Commission is abolished and its functions transferred to the Secretary of Agriculture. The Secretary will report annually to Congress on all land purchases and exchanges relating to the National Forest System. (Sec. 17)

AMENDMENT TO THE KNUTSON-VANDENBERG ACT

The formula for allocating revenue for reforestation on harvested lands is changed to reflect current costs and to assure better multiple-resource treatment. (Sec. 18)

BACKGROUND AND NEED FOR LEGISLATION

I.

A nation is not born great. It grows to greatness by fulfilling its promise. It grows great by learning.

The conservation of natural resources was not a central issue of concern 200 years ago, when our Nation was founded. There was an abundance of all resources.

It took a century of rapid expansion, industrial growth, and wasteful use for the concepts of conservation to take solid form and meaning. When they did, they emerged as three main streams of action: the idea of individual private responsibility and stewardship; the concept of preservation of certain publically held land; and the concept of wise use of public lands set into designated areas.

President Theodore Roosevelt in 1907 set forth the conservation philosophy that evolved:

The reward of foresight for this Nation is great and easily foretold. But there must be a look ahead, there must be a realization of the fact that to waste, to destroy, our natural resources, to skin and exhaust land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed.

One of the Nation's most precious possessions is its National Forest System lands, 187 million acres of forest and rangeland held for and managed for the people. The lands serve the public by providing, among other things, timber resources, scenic areas, wildlife and fish habitats, and watershed areas.

S. 3091 is directed toward improving the management of the National Forest System. The bill is grounded on the concepts so ably set forth by President Roosevelt. The protection and enhancement of the land is basic to our national survival. It is upon the quality of our stewardship of that land that our society will ultimately be judged.

II.

Much of the basic authority for the management of the National Forests stems from the Act of June 4, 1897. The purposes of the National Forests as stated in that Act are "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." These purposes have been shaped and refined by a number of other Acts over the years.

The Weeks Act of March 1, 1911, for example, provides the authority to acquire lands and led to the establishment of most of the

eastern National Forests. The Weeks Act directed the Secretary to identify for purchase "such forested, cutover or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber." Under these and other Acts, the mission of the Forest Service in the management of the National Forests has been one of land stewardship and management for multiple-resource values.

The policy of multiple-use management was clearly stated in the Multiple-Use Sustained-Yield Act of 1960. As used in the 1960 Act, the term "multiple use" means "the management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output."

Subsequent legislation such as the Wilderness Act, the Wild and Scenic Rivers Act, the National Environmental Policy Act, along with pesticide control, water quality, and air quality laws have further served to shape management based on a concept of land stewardship and management for multiple-resource values to meet national needs. The Forest and Rangeland Renewable Resources Planning Act of 1974 provides the framework to draw together a national Renewable Resource Assessment and a recommended program for the activities of the Forest Service.

The role of the Forest Service in the management of the National Forest System is to act as a steward of the land, fully utilizing the scientific knowledge gained by research and experience on the forest and rangelands of this and other countries. The land is to be managed for multiple-use and sustained-yield benefits.

III.

Recent developments have underscored the need for legislative changes to enable the Forest Service to perform its proper role of management.

On August 21, 1975, the Fourth Circuit Court of Appeals affirmed a decision of the Federal District Court for West Virginia pertaining to three planned timber sales on the Monongahela National Forest. The decision, based on a strict interpretation of the Act of June 4, 1897, allows sale of only dead, physiologically mature, or large trees which have been individually marked and which will be completely removed. *Izaak Walton League of America v. Butz*, 522 F.2d. 1945 (4th Cir. 1975). As a result of the decision, the Forest Service was forced to reduce its timber sales program in the States of Virginia, West Virginia, North Carolina, and South Carolina to 10 percent of that planned for fiscal year 1976, thereby threatening the existence of the lumbering and related industries in those States.

On December 23, 1975, the Federal District Court for Alaska in the case of *Zieske v. Butz*, 406 F. Supp. 258 (D. Alaska, 1975), adopted the conclusion of the Court of Appeals for the Fourth Circuit, and applied the same standards to an existing 50-year timber sale executed in 1951 with the Ketchikan Pulp Company.

IV.

Great strides have been made, and continue to be made, in the field of silviculture and the studies of related forest resources. The 1897 Act and the court decisions based on the wording of that Act do not take this progress into account and do not allow for the most beneficial management of resources.

The requirement in the 1897 Act allowing only the sale of "dead, physiologically mature, or large" trees is a prescription which does not recognize the need to periodically thin trees to provide growing space or the natural diversity of land characteristics and variation in management objectives between areas. This requirement eliminates a number of environmentally and economically sound prescriptions or practices necessary to grow and perpetuate trees for many purposes.

The strict interpretation of the 1897 Act prohibits commercial thinning and intermediate cuts undertaken to improve the growth and vigor or species composition of the stand, or to open it up to improve browse and forage conditions, or favor other resource uses. These limitations on vegetation management affect all the resource values in a complex and interrelated manner.

V.

Based on the constraints on the type of trees that can be harvested under the courts' interpretation, the Department of Agriculture estimates that the volume of timber which can be harvested from the predominantly immature eastern National Forests in the next few decades will be only 10 percent of current harvest levels. In the mature forests of the West, the Department estimates that harvest levels will be reduced to about 50 percent of current harvest levels.

These estimates of reduced timber harvest are based on the application of the courts' interpretation to new sales and do not assume a requirement to revise sales presently under contract. If present contracts had to be revised, it would almost completely stop harvesting from the National Forest System until contracts were revised or new sales developed, and the Government would face the possibility of major lawsuits based on breach of contract arguments.

VI.

On a nationwide basis, National Forests are most important as a source of softwood sawtimber, the raw material base for softwood lumber and plywood. Forest Service lands currently account for nearly one quarter of the softwood sawtimber harvest and contain about 50 percent of the Nation's inventory of this raw material.

A reduction in softwood timber output from National Forests will be quickly felt in the Nation's softwood sawlog markets. At current production levels, a 30-percent reduction in harvest from the National

Forests would immediately result in about a 6-percent reduction in national softwood sawtimber supply. A 50-percent reduction would result in about a 10-percent immediate reduction in total supply. In a relatively short time, the Department estimates that supplies from other sources would rise and offset about half the initial reduction in national supplies.

A reduction in the amount of timber products offered to consumers would quickly result in increased prices. A number of studies and historical experience indicate that market prices of the major timber products are quite responsive to changes in quantities supplied to the market. The Department of Agriculture's preliminary estimate indicates that a 50-percent reduction in available Forest Service softwood timber would result in more than a 15-percent increase in wholesale lumber prices and a larger increase in wholesale plywood prices for the period 1980-90. The immediate impact on lumber and plywood prices could even exceed the above projections. The impact of a shortage in supply would be particularly critical if it occurred at a time when the housing market was expanding.

In addition to these national impacts, a major reduction in the supply of softwood sawtimber from the National Forests would have a severe impact on certain local economies. Many areas in the West are dependent on the National Forests for a major part of their supply of raw material. A loss or major reduction in supply would likely force certain mills out of business with accompanying impacts on employment and community stability. Although National Forests supply less than 5 percent of the total hardwood sawtimber, a loss or major reduction in supply would also have a severe impact on local dependent industries and the related communities.

To the extent that the reduction in National Forest harvest leads to substitution by imports or by materials with less labor-intensive production processes, there would be a reduction in employment opportunities which would add to the current national unemployment problem.

VII.

Timber production and sale are important aspects of the overall management of the National Forest System lands. However, they are not the sole objectives of management planning.

Congress has been alert to changing land management philosophies as evidenced by the enactment of the Multiple-Use Sustained-Yield Act of 1960 and the Forest and Rangeland Renewable Resources Planning Act of 1974. However, no single, comprehensive piece of legislation has been enacted that would provide the framework for the development and implementation of management plans developed through an interdisciplinary approach consistent with the principles of multiple-use and sustained-yield.

The other resources of the forests, wildlife and fish habitats, water, air, esthetics, wilderness must be protected and improved. Consideration of these resources is an integral part of the planning process.

The Court of Appeals in the Monongahela case recognized that the 1897 Act might be outdated. The Court concluded:

We are not insensitive to the fact that our reading of the Organic Act will have serious and far-reaching consequences,

and it may well be that this legislation enacted over seventy-five years ago is an anachronism which no longer serves the public interest. However, the appropriate forum to resolve this complex and controversial issue is not the courts but the Congress.

It is, therefore, time for Congress to act in order to insure that the resources found in our National Forests can be used and enjoyed by the American public, now and in the future. Only by managing National Forest System lands in a manner aimed at maximizing all the renewable resources, air, soil, and water can this objective be achieved. S. 3091 will establish the mechanism for achieving this objective.

SECTION-BY-SECTION ANALYSIS

Short Title

The first section provides that the Act may be cited as the "National Forest Management Act of 1976."

Section 2. Findings

Section 2 of the bill (1) adds a new section 2 to the Forest and Rangeland Renewable Resources Planning Act of 1974, which sets forth seven Congressional findings regarding the Nation's renewable natural resources; and (2) redesignates sections 2 through 11 of the 1974 Act as sections 3 through 12, respectively.

The first finding recognizes that the management of renewable resources is highly complex and that the uses, demand for, and supply of such resources will not remain constant but will vary over time.

In the second finding, the Congress finds that an assessment of the Nation's renewable resources and a national program for such resources prepared by the Forest Service, in cooperation with other agencies, is in the public interest.

The third finding is that in order to serve the national interest the program for the Nation's renewable resources must rest on a sound, comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from public and private forest and rangelands. Furthermore, the program must carefully analyze both environmental and economic impacts and must coordinate multiple-use and sustained-yield opportunities as provided by the 1960 Multiple-Use Sustained-Yield Act. Finally, the public is to have an opportunity to participate in the program's development.

The fourth finding recognizes that a sound technical and ecological information base for effective management, use and protection of the Nation's renewable resources results from increased knowledge gained through coordinated public and private research.

In the fifth finding, Congress recognizes that since the majority of the Nation's forest and rangeland is in private, State or local ownership, non-Federally owned land has the major capacity to produce the goods and services derived from renewable resources and that the Federal Government, consistent with the principles of multiple use and sustained yield, should be a motivating force in promoting the efficient long-term use and improvement of the renewable resources of non-Federally owned lands.

The sixth finding recognizes that the Forest Service, by virtue of its authority for management of the National Forest System, for programs of cooperative forestry and research, and its role as an agency of the Department of Agriculture, has a responsibility and an opportunity to be a leader in assuring that the Nation maintains a natural resource conservation posture to meet the needs of future generations of Americans.

The seventh finding recognizes that recycled timber product materials are as much a part of our renewable forest resources as the trees

from which such materials come; and, in order to extend our timber and timber fiber resources and reduce pressures for timber production from Federal lands, the Forest Service should expand its research in the use of recycled and waste timber product materials use, develop techniques for substituting secondary materials for primary timber materials, and promote and encourage the use of recycled product materials.

Section 3. Report on Fiber Potential

Section 3 of the bill amends redesignated section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require that the Secretary of Agriculture include in the 1980 Renewable Resource Assessment and each subsequent update of the Assessment a report on the additional fiber potential of National Forest System lands, including forest mortality, growth, salvage potential, potential increased forest products sales, economic constraints, alternate markets, contract considerations, and other multiple-use considerations.

Section 4. Renewable Resources Program

Section 4 of the bill amends redesignated section 4 of the Forest and Rangeland Renewable Resources Planning Act of 1974 by adding a fifth requirement to be included in the Renewable Resource Program. The requirement is for recommendations covering four specific subject areas. These recommendations will: (1) evaluate major Forest Service program objectives so as to make it possible to determine on a national basis the multiple-use and sustained-yield relationships among and within the various renewable resources; (2) explain opportunities for owners of forests and rangelands to participate in programs which will improve the condition of their land and renewable resources; (3) recognize the need to protect and improve (where this can be appropriately done) the quality of soil, water, and air resources, fundamental to the regeneration of renewable resources; and (4) set national goals recognizing the interrelationships between, and interdependence within, the various renewable resources.

Section 5. National Forest System Land Management Planning

Section 5 of the bill amends redesignated section 6 of the Forest and Rangeland Renewable Resources Planning Act 1974 by adding new subsections (c) through (h), which provide additional direction in the preparation and revision of land management plans for the protection, use, and development of the renewable resources of the National Forest System.

New subsection (c) requires the Secretary of Agriculture to provide for participation by the public in the development, review, and revision of land management plans.

New subsection (d) requires the Secretary of Agriculture to promulgate regulations pursuant to the rulemaking procedures of the Administrative Procedure Act within two years after enactment of the bill which set out (a) the process for the development and revision of land management plans, and (b) the guidelines and standards to be applied in land management planning. The process for developing and revising land management plans is to include the requirements of paragraphs (1) through (4) of this subsection, and the guidelines

and standards for land management planning are to cover those specifically called for in paragraphs (5) and (6) of the subsection. The Secretary may, in the regulations, prescribe land management planning procedures or guidelines and standards to be applied in formulating land management plans in addition to those set forth in subsection (d), but all such procedures, guidelines, and standards are to conform to the principles of the Multiple-Use Sustained-Yield Act of 1960.

Under paragraphs (1) through (4) of new subsection (d), regulations are required to spell out (1) how the interdisciplinary approach will be used in land management planning; (2) the types of land management plans to be used and how the plans relate to the Renewable Resource Program; (3) the procedures for involving the public in the formulation and review of land management plans and revisions of such plans; and (4) procedures to insure that plans for land management are developed in accordance with the National Environmental Policy Act, including the preparation of environmental impact statements. (Paragraph (4) does not alter the responsibilities of the Forest Service to comply with the National Environmental Policy Act, or the guidelines of the Council on Environmental Quality.)

Paragraph (5) of new subsection (d) sets out certain specific guidelines for land management plans relating to land suitability and inventory. Under subparagraph (A), there are to be guidelines for identifying the suitability of the lands for management for the various renewable resources. Redesignated section 5 of the Forest and Rangeland Renewable Resources Planning Act requires the Secretary of Agriculture to maintain an inventory of all National Forest System lands and resources. In connection with that requirement, the guidelines to be developed under subparagraph (B) are to provide for obtaining inventory data on the various renewable resources and for soil and water resources, including pertinent maps, graphic material and other explanatory aids. Guidelines called for in subparagraph (C) are to provide methods to identify any special conditions or situations in the land area covered by the plan which involve hazards to the resources and the relationship of such special conditions or situations to alternative activities for the land area.

Paragraph (6) of new subsection (d) provides for more detailed guidelines in formulating management direction for land management plans for the multiple uses of units of the National Forest System.

Subparagraph (A) of paragraph (6) calls for specifying guidelines to insure consideration of the environmental and economic aspects of various systems of renewable resources management, including the related systems of silviculture and protection of forest resources, methods to provide for recreation (including wilderness), range, timber, watershed, wildlife and fish—the resources set forth in the Multiple-Use Sustained-Yield Act of 1960.

Subparagraph (B) of paragraph (6) requires that land management plan guidelines provide for diversity of plant and animal communities based on the suitability and capability of the specific land area, so that overall multiple-use objectives are met.

Subparagraph (C) of paragraph (6) requires guidelines which recognize the requirements necessary to coordinate the multiple uses

applicable to special or unique management areas. (Certain areas of National Forest System lands will have unique natural features found in only a few places, such as rare or endangered species of plants or animals, which necessitate special management requirements. Other areas are designated for special uses, such as Wildernesses or National Recreation Areas, where management requirements must provide particular resource emphasis. Other areas are designated by the Secretary or the Chief for special management emphasis.)

Subparagraph (D) of paragraph (6) provides for guidelines which will recognize the need for special provisions necessary to protect soil, water, esthetic, and wildlife resources in those areas where conditions are critical for tree regeneration within a reasonable period of time, or where the size of a timber sale or cutting areas, or stand size and species composition are critical in terms of multiple-use impacts.

Subparagraph (E) of paragraph (6) calls for guidelines specifying how the interdisciplinary approach required by subsection (b) of redesignated section 6, including the manner in which the expertise of State agencies affected by resource management planning on National Forest System lands, will be obtained and how such expertise will be used in preparing land management plans.

Subparagraph (F) of paragraph (6) requires guidelines to prescribe the appropriate silvicultural systems, according to geographic areas, forest types or other suitable classifications, to include, but not be limited to, thinnings, harvesting of trees and forest products, regeneration and other treatment methods.

Subparagraph (G) of paragraph (6) calls for guidelines to insure research on and evaluation of each management system in use or proposed for use. The evaluation is to be based on continuous monitoring and assessment in the field. When such research or evaluation shows that a system or method of management is impairing land productivity, guidelines will provide that the system or method be modified or discontinued.

Subparagraph (H) (i) of paragraph (6) calls for guidelines to provide that the quantity of timber harvested from any National Forest System lands shall be determined only through the process of preparing and revising land management plans.

In subparagraph (H) (ii), guidelines are to provide that allowable harvests on National Forest System lands shall be based exclusively on lands available and suitable for timber production. These lands are identified under the guidelines required by paragraph (6), and the harvest levels established are to be reviewed and adjusted periodically.

Subparagraph (H) (iii) calls for guidelines relating to the amount of timber harvested from National Forest System lands. The guidelines are to identify the relative productivity of land for timber production and assure that timber production is not a management goal on lands where estimated production cost exceeds estimated economic return. However, the estimated production cost is to include only direct timber production costs and not costs unrelated to such production. Access, protection, revegetation, and administrative costs for multiple-use purposes are not direct timber production costs.

Subparagraph (H) (iv) requires guidelines to provide that increases in the allowable harvest resulting from intensified management prac-

tices, such as reforestation, thinnings, or tree improvement, are to be made only when it can be demonstrated that such practices warrant increased allowable harvests and continued only as long as the output increases projected by using such practices are being attained.

Under subparagraphs (I) (i) through (iii) of paragraph (6), guidelines are to specify that timber will be harvested from National Forest System lands only where (1) soil, slope, or other watershed conditions will not be irreversibly damaged; (2) there is assurance that lands can be adequately restocked with trees within five years after being harvested; and (3) protection is provided for lakes, shorelines, streams, streambanks, wetlands, and other bodies of water from changes in water temperature, blockages of water courses, and deposits of sediment, where harvesting could seriously and adversely affect water conditions or fish habitat.

Subparagraphs (J) (i) through (v) of paragraph (6) deal with guidelines for cutting practices associated with even-aged management. They are to insure that clearcutting (including seed-tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber) is used as a cutting method only where (1) it is determined to be the optimum method (that is, in the light of all land planning considerations, it is the best way to achieve the objectives and requirements of land management planning for the area to be cut); (2) the completed interdisciplinary review has assessed for the area to be cut the potential environmental, biological, esthetics, engineering, economic impacts, and impacts on non-timber resources, and has assessed the consistency of the sale with the multiple uses of the general area, which uses are set forth in the land management plans for that area; (3) clearcut blocks, patches, or strips are shaped and blended, to the extent practicable, with the natural terrain; (4) there are established by geographic areas, forest types, or other suitable classifications, the maximum size limits for clearcuts in one harvest operation, including provision to exceed size limits after appropriate public notice and review by the responsible Forest Service officer one level above the officer who normally approves the harvest proposal, except that size limits do not apply to areas to be harvested because of damage due to natural catastrophic conditions, such as fire, insect and disease attack, or windstorm; and (5) the cutting is carried out in a manner consistent with protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources, and with timber resource regeneration.

Paragraph (7) of new subsection (d) calls for guidelines applying to the preparation and revision of resource plans using the interdisciplinary approach required in subsection (b) of redesignated section 6.

New subsection (e) requires the Secretary of Agriculture, in implementing the purposes of subsection (d), to appoint a committee of scientists. No officers or employees of the Forest Service may be members. The committee's function is to provide scientific and technical advice and counsel on the proposed guidelines and procedures for the Secretary's regulations in order to assure that an effective interdisciplinary approach is proposed and adopted. Once the regulations are promulgated, the committee will terminate. The Secretary is given the discretionary authority to appoint, from time to time, committees of scientists, when considering revisions of the regulations provided

for under subsection (d). The information available to the public at the time proposed regulations or revisions are issued shall include the views of the committee. The Department of Agriculture is to furnish the committee the personnel for clerical and technical assistance necessary to discharge its duties. The committee members shall be entitled to compensation while attending committee meetings at a rate of \$100 per diem, including travel time, and may be allowed travel expenses while away from their homes or regular places of business, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

New subsection (f) requires consistency between land management plans and resource plans and permits, contracts, and other instruments providing for use and occupancy of National Forest System lands. After the date of the bill, new resource plans, permits, contracts, and other legal instruments granting or authorizing use and occupancy of National Forest lands are required to be consistent with the land management direction provided in the land management plan. Where resource plans or permits, contracts, and other legal instruments are in existence at the time a land management plan is approved, they will be revised as soon as practicable to be made consistent. The same requirements pertain to existing authorizations when a land management plan is revised. Any revision of permits, contracts, or other legal instruments to make them consistent with land management plans or revised plans shall be subject to valid existing rights.

New Subsection (g) provides that new land management plans or revisions of existing plans will not become effective until 30 days after completion of the public participation process provided for in subsection (c) of redesignated section 6 and publication of notification by the Secretary of the approval of a plan or revision.

New Subsection (h) requires the Secretary to adopt interim procedures relating to the guides for the land management planning within 120 days after the enactment of the bill. The principal purpose of interim procedures is to provide greater public awareness by identifying and publishing the directives that apply in land management planning during the two-year period during which regulations are being promulgated. Prior to the promulgation of the regulations required by subsection (d) of redesignated section 6, management of National Forest System lands will be in accordance with existing regulations and with the interim guidelines when adopted. As soon as practicable, those land management plans in effect when this bill is enacted will be revised, when necessary, to make them consistent with the guidelines specified pursuant to subsection (d) of redesignated section 6. These provisions will permit National Forest System land planning and management to continue under present policies, together with the guidelines issued as interim procedures, during the period that comprehensive regulations are being drafted, published for public comment, and reviewed for final adoption.

Section 6. National Participation

Section 6 of the bill amends redesignated section 8(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974. The pro-

vision of that Act specifying sixty calendar days of continuous session for Congress to adopt a resolution disapproving the President's Statement of Policy is changed to ninety calendar days of continuous session. Unchanged is the provision of redesignated section 8 that, in computing calendar days of continuous session, the days on which either House is not in session because of an adjournment of more than three days to a day certain are not counted. Also unchanged is the provision that the only way the continuity of session can be broken is by an adjournment without setting a day certain for reconvening.

Section 6 of the bill also amends redesignated section 8 by adding a provision to subsection (b) requiring the Director of the Office of Management and Budget to appear before the Senate Committees on Agriculture and Forestry, Interior and Insular Affairs, and Public Works, and the House Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation, to explain the failure to request funds to meet the policies approved by the Congress for the management of the renewable resources of the National Forest System.

Section 7. Restoration of Vegetative Cover

Section 7 of the bill amends redesignated section 9 of the Forest and Rangeland Renewable Resources Planning Act of 1974 by adding a new provision relating to the restoration of vegetative cover. The Secretary of Agriculture is required, within five years after removal of vegetative cover from any forest or rangeland by man or natural causes, to report to Congress either the funds needed to properly restore useful vegetative cover or to report that such lands are not in need of revegetation. The report requirement does not apply to areas which are to be used for specific purposes, such as rights-of-way, campgrounds, reservoirs, and the like, or to areas where permits or other provisions are made which assure that revegetation will be undertaken.

Section 8. Transportation System

Section 8 of the bill amends redesignated section 10 of the Forest and Rangeland Renewable Resources Planning Act of 1974 by adding two new subsections relating to the National Forest Transportation System.

New subsection (b) requires that roads authorized to be constructed on National Forest System lands in timber sale contracts or in other permits or leases are to be designed with the goal of reestablishing vegetation on the roadway and areas where road construction disturbs vegetative cover. Unless the need for roads constructed in connection with the timber sale contracts, or other permits or leases, as permanent roads is identified in the forest development road system plan, the vegetative cover is to be reestablished by artificial or natural means within ten years after the termination of the contract, permit, or lease. Reestablishment is not required if it is determined prior to the expiration of the ten-year period following contract, permit, or lease termination that the road is needed for use as a part of the forest development road system. The provisions of new subsection (b) are prospective and apply only to future sales.

New subsection (c) requires that all roads constructed on National Forest System lands be designed to standards which are appropriate for the intended uses. Factors of safety, transportation cost, and im-

pacts on land and resources are to be considered in designing road standards.

Section 9. National Forest System

Section 9 of the bill amends redesignated section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 by adding a provision which, in effect, gives Congressional status to National Forest lands reserved from the public domain. Other National Forest lands already have Congressional status through specific Acts, such as the Weeks Act. The new provision states that, notwithstanding the authority conferred on the President to revoke, modify, or suspend proclamations or executive orders setting apart and reserving public domain land as National Forests, public domain lands which are now or may hereafter be reserved as National Forests are not to be returned to the public domain except by an act of Congress. This does not affect the President's authority to combine National Forests, separate a forest into two or more National Forests, or change the boundary lines of a forest, providing such changes do not remove lands from National Forest status. Also unaffected are existing authorities regarding exchanges of lands involving public domain National Forests.

Section 10. Renewable Resources

Section 10 amends redesignated section 12 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to provide that the term "renewable resources" is to be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service on the date of the Forest and Rangeland Renewable Resources Planning Act of 1974 and on the date of enactment of acts which amend or supplement the 1974 Act. Thus, the scope of the Forest Service's responsibilities and authorities respecting "renewable resources" will encompass those matters covered by the amendments in the National Forest Management Act of 1976, as well as any future act affecting such responsibilities and authorities.

Section 11. Limitations on Timber Removal; Public Participation and Advisory Boards

Section 11 amends the Forest and Rangeland Renewable Resources Planning Act by adding new sections 13 and 14 relating to the sustained yield of the timber resource and to public involvement in land management planning.

Subsection (a) of new section 13 restricts the sale of timber from each National Forest to a quantity equal to or less than a quantity which can be removed from that forest annually in perpetuity on a sustained-yield basis. The Secretary of Agriculture is permitted, however, to exceed, from time to time, this sale limitation on timber quantity from each National Forest, provided the average sales from the forest over any ten-year period do not exceed the quantity limitation. The Secretary may combine two or more National Forests as the area for which to determine the sustained yield where a forest has less than 200,000 acres of commercial forest land.

Subsection (b) of new section 13 provides that the Secretary is not precluded by the quantity sales limitation from salvaging timber stands which are substantially damaged by fire, wind throw, or other catastrophes (such as insect infestation or disease).

New section 14 requires the Secretary of Agriculture to establish by regulation procedures to give Federal agencies, State, and local governmental agencies, and the public, adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs. These procedures are to include provision for public hearings where appropriate. This public participation requirement is broader than that in subsection (c) of section 6, which requires guidelines for public involvement in the formulation and review of proposed land management plans and revisions thereof. The procedures required by section 14(a) are to apply in the exercise of the Secretary's authorities under this bill and other laws applicable to the Forest Service and its programs.

Subsection (b) of new section 14 requires that in planning for and management of National Forest System lands, the Secretary, in accordance with the Federal Advisory Committee Act and other applicable law, is to establish and consult such advisory boards as he deems necessary to secure full information and advice on the execution of his responsibilities.

Section 12. Conforming Amendments to The Forest and Rangeland Renewable Resources Planning Act of 1974

Section 12 amends the Forest and Rangeland Renewable Resources Planning Act of 1974 to conform section references in the text of that Act to the section redesignation in section 2 of this bill.

Section 13. Amendment to The Organic Act

Section 13 repeals the twelfth undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" in the Act of June 4, 1897, which relates to timber sales on National Forest System lands. Section 13 eliminates the provision of the 1897 Act, as interpreted in recent court decisions, that trees sold from the National Forests must be "dead, matured, or large growth" (which affects the application of scientifically-progressive silvicultural practices).

Section 14. Timber Sales on National Forest System Lands

Section 14 places seven requirements on sales of timber on National Forest System lands.

Subsection (a) authorizes the Secretary to sell trees, portions of trees, or forest products located on National Forest System lands. This authority is to be exercised to achieve the policies set forth in the Multiple-Use Sustained-Yield Act and the Forest and Rangeland Renewable Resources Planning Act, as amended. The Secretary is required to sell at not less than appraised value so that the United States will obtain fair market value for timber and forest products.

Subsection (b) requires that those timber sales which are advertised shall be shown on suitable maps, and the sale map and prospectus shall be made available to the public and interested potential bidders. (Although these practices have been widely applied by the Forest Service in timber sales, this requirement will insure that it is done for all advertised sales.)

Subsection (c) provides that the duration of the contract and the other contract terms shall be designed to promote the orderly harvesting of the timber included in the sale. Such contract terms must

be consistent with the principles set forth in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. Although timber sales contracts may be for fewer years, they may not be for longer than ten years, unless the Secretary makes a finding that better utilization of the various forest resources, consistent with the principles of the Multiple-Use Sustained-Yield Act, will result from a sale for a period of longer than ten years. The ten-year period may be adjusted to provide additional time if delays in contract performance are due to acts of agents of the United States or to other circumstances beyond the purchaser's control. The purchaser is to prepare and file, as soon as practicable after a contract has been executed by the parties, a plan of operation which is to be approved by the Secretary. Revised plans would also be subject to the Secretary's approval. The plan of operation requirement only applies to contracts for an advertised sale with a term of two years or more. The Secretary is not to extend any contract period with an original term of two or more years unless he finds that the purchaser has diligently performed under an approved plan of operation, or that a contract extension would be in the public interest.

Subsection (d) requires the Secretary to advertise all timber sales, but there are no requirements (as in the 1897 Act) for advertisements for thirty days in one or more newspapers of general circulation. This gives the Secretary greater flexibility in the length of time for advertising and in the means used. Where extraordinary conditions exist, which are to be spelled out in regulations, or where the appraised value of the timber or products to be sold is less than \$10,000, no advertising is required. This increases the present ceiling of \$2,000 for non-advertised sales and eliminates advertising in emergencies, such as fire salvage sales where rapid removal is necessary to reduce loss of timber and revenue. Further, sales may be made without advertising where the timber has been offered for sale by advertisement and no satisfactory bid is received, or where the bidder fails to complete the purchase. The provision of the 1897 Act that timber previously advertised but unpurchased may be sold "in quantities to suit purchasers" is eliminated. Sales of such timber will be subject to the same management requirements as timber initially offered for sale.

Subsection (e) authorizes the Secretary to dispose of, by sale or other means, trees, portions of trees, or other forest products in connection with research and demonstration projects. (This new authority does not preclude the Secretary from using any other authorities he has under existing law, such as free use under the 1897 Act.)

Subsection (f) requires persons employed by the Secretary of Agriculture to designate the trees or other forest products to be harvested, to mark the trees or forest products when the marking of individual trees or forest products is considered necessary, and to supervise the harvesting operations. (The existing provision of the 1897 Act, as interpreted by the courts, requires the marking of the individual trees to be cut and removed, as well as designating the sale area.) Subsection (f) will provide the Secretary with sufficient flexibility to indicate the timber to be harvested by designating an area in which all timber will be cut, where trees to be cut will be marked, or where trees to be left will be marked. The subsection incorporates the provisions

of the 1897 Act that persons who supervise timber harvesting shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the purchaser's employment.

Subsection (g) provides that the Secretary shall establish utilization standards and methods of measurement for removal of trees, portions of trees or forest products to achieve optimum practical use of wood material. In developing such standards, consideration is to be given to opportunities to promote effective wood utilization, regional conditions, and species characteristics. In keeping with requirements for balance land-use management, utilization standards are to be compatible with multiple use resource management objectives for the areas involved. (However, it is not necessary that a tree, once cut, be entirely removed from the forest, as recent court decisions have held is required under the 1897 Act.) To accomplish the purposes of subsection (g) in situations involving salvage of timber which is dead, down, insect-infested, or damaged (for example, by fire or disease), the Secretary is authorized to require purchasers of such timber to make deposits of money, in addition to the payment for the timber, to cover the Government's cost for design, engineering, and supervision of the construction of needed roads and the cost for supervision of the harvesting of such timber by Forest Service personnel. This authority is similar to that for deposits for forest improvement work under the Knutson-Vandenberg Act (16 U.S.C. 576-576b) and for brush disposal under the Act of August 11, 1916 (16 U.S.C. 490).

Without the money available from these deposits to cover the cost to the Forest Service of supervision of road construction and timber harvesting, the Forest Service might not be able to salvage timber from the forests to the degree intended. Hence, it is intended that these funds be immediately available upon deposit for these purposes.

Section 15. Validation of Timber Sales Contracts

Subsection (a) of section 15 validates all timber sales entered into prior to the enactment of the bill under the Secretary's authority in the Act of June 4, 1897 (16 U.S.C. 476), subject to the provisions of subsection (b). To the extent the terms and conditions of existing contracts permit, they are to be made consistent with land management plans as provided by section 6(f) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended.

Subsection (b) provides that the validation of the three existing fifty-year timber sale contracts in Alaska is subject to the Congressional direction to the Secretary to revise such contracts in developing five-year operating plans to make them consistent with the guidelines and standards provided for in the bill. The Secretary is also directed to reflect the additional costs of such revisions to the purchaser in the contract price of the timber included in the contract. Contract revisions made will be subject to subsequent court review and are not to be inconsistent with those provisions of the contract which are valid, as determined by the final judgment of a court of competent jurisdiction in the event it is necessary to determine valid contract rights through litigation.

Section 16. Payments to States for Schools and Roads

Section 16 amends the Act of May 23, 1908, as amended, and the Act of March 1, 1911, as amended, by adding a provision which re-

quires that all amounts earned or allowed any timber purchaser as purchaser credits in timber sale contracts for the construction of roads on the National Forest Transportation System and all collections under the Knutson-Vandenberg Act of June 9, 1930, are included as "moneys received" against which the percentage authorized by the provisions of the foregoing Acts is applied for determining the amount payable to any State for public schools and roads. The amounts collected pursuant to the Knutson-Vandenberg Act are deposits of money in addition to the payments for timber. Although these deposits may result in a stumpage price below that which would have been paid if no deposits were required, the money deposited is not "money received" under the twenty-five percent payment-to-States provision of existing law. The amendment adds these deposits to "moneys received," and the States will receive twenty-five percent of such deposits. As for purchaser credits, an estimated cost for constructing roads on the National Forest Transportation System is established as purchaser credits in the timber sale contract. As the road is built, the purchaser "earns" or is "allowed" credits equal to the cost of construction. The road is not, however, paid for through the use of credits toward timber purchase until the value of timber harvested by the purchaser is set off against the earned or allowed credits. Under the amendment, the earned or allowed purchaser credits used through set-off against the value of timber which would otherwise have produced receipts will be included in "money received," and States will receive twenty-five percent of that amount.

The section 16 amendment also provides that the Secretary of Agriculture is required, from time to time, as he develops estimates of National Forest revenues, to make available to States current projections of revenues and estimated payments to be made under the Act of May 23, 1908, as amended, or any other special acts making payments in lieu of taxes, for use by States for local budget planning purposes.

Section 17. Acquisition of National Forest System Lands

Subsection (a) of section 17 abolishes the National Forest Reservation Commission established by the Act of March 1, 1911, and transfers all functions of the Commission to the Secretary of Agriculture.

Subsection (b) requires the Secretary to prepare an annual report of all land purchases and exchanges relating to the National Forest System, and to submit the report to the Congress as a part of the report prepared in compliance with redesignated section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. This report is to provide information to aid the Congress in its oversight responsibilities, and to improve the accountability of expenditures for forest land acquisitions. Included in the report is to be an evaluation of purchase price criteria and guidelines used by the Secretary in acquiring forest land.

Section 18. Amendment to the Knutson-Vandenberg Act

Section 18 amends section 3 of the Knutson-Vandenberg Act of June 9, 1930, in two ways. First, the amendment eliminates the proviso which limits the total amount of money any timber purchaser can be required to deposit to an amount not to exceed, on an acreage basis, the average cost of planting other comparable National Forest lands during the previous three years. The repeal of the proviso permits deposits

of amounts which more reasonably relate to the cost of planting lands harvested by timber purchasers.

Secondly, the amendment adds another purpose for which deposits may be required of the timber purchaser. The cost to the United States of protecting and improving the future productivity of the renewable resources of the forest lands on the sale area, including sale area improvement operations, maintenance and construction, reforestation and forest habitat management, may be included in the deposits requirement of timber sale contracts.

Section 19. Amendment to the Act of June 12, 1960

Section 19 amends the Act of June 12, 1960, by adding a new section 8 providing that the Act may be cited as the "Multiple-Use Sustained-Yield Act."

Section 20. Amendment to the National Forest Roads and Trails Systems Act

Section 20 amends section 4 of the National Forest Roads and Trails Systems Act of October 13, 1964, by striking out the proviso in that section. The proviso provides that, in financing forest development roads, where roads of a higher standard than those needed in the harvesting and removal of the timber and other forest products covered by the particular sale are to be constructed, the purchaser is not required to bear that part of the costs necessary to meet the higher standard. The purchaser does not actually bear the cost of road construction because purchaser credit is provided in the timber sale contract, which reduces the price paid for the timber. The elimination of the proviso will permit roads to be placed in locations and built to standards which better serve present and future uses and reduce in the long run the amount of funds necessary to obtain an adequate road system. The total amount of road construction funds obtained by purchaser credit and by appropriation are now subject to Congressional determination under section 10 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by the bill.

COMMITTEE CONSIDERATION

I.

The Committee on Agriculture and Forestry, as part of its oversight function, has been continuously reviewing the actions of the Forest Service. With the passage of the Forest and Rangeland Renewable Resources Planning Act of 1974, new direction was provided for the management of National Forest System lands.

In the period since enactment of that legislation, it has become clear to the Committee that changes are needed in order to manage these lands in a manner consistent with the principles of multiple use and sustained yield.

Great advances have been made in the field of silviculture and its related effects on the forests' renewable resources. These advances are being accomplished through research and development, both public and private.

In 1975 the decisions by the Fourth Circuit Court of Appeals and the Federal District Court of Alaska, further focused attention on the need for legislative reform of Forest Service management practices. These decisions, based on a strict interpretation of the 1897 Organic Act, allow the sale of only dead, physiologically mature, or large trees on National Forest System lands which have been individually marked and which will be completely removed.

The growing interest in the management of National Forest System lands is evidenced by the introduction of three major bills: S. 3091 (the Humphrey bill), S. 2926 (the Randolph bill), and S. 2851 (the Stevens and Gravel bill).

II.

The Humphrey bill and the Randolph bill provide for comprehensive management of the National Forest System lands, consistent with the principles of multiple use and sustained yield. Both bills enunciate the need for the interdisciplinary approach to land management and establish the mechanism for such management.

The Gravel and Stevens bill aims at temporary resolution of the situation in Alaska that resulted from the decision of the District Court.

III.

The Subcommittee on Environment, Soil Conservation, and Forestry, held three days of joint hearings with the Subcommittee on Environment and Land Resources of the Committee on Interior and Insular Affairs, on March 15, 16, and 22, 1976.

These hearings were most instructive. The views of the Department of Agriculture, the timber industry, various conservation and wildlife groups, State and local officials, interested citizens, professional foresters, and the deans of the schools of forestry at various universities were received.

IV.

The Committee shares jurisdiction with the Committee on Interior and Insular Affairs over the National Forest System. In recognition of the need for swift action on forestry legislation, the Committee held four days of joint committee markup with the Committee on Interior and Insular Affairs. The result of the markup was a decision by the Committee to report S. 3091 to the Senate with certain amendments.

S. 3091 directs "what" the National Forest System will be managed for and then provides the resource manager the flexibility, through the planning process, to determine "how" this direction can best be met on a specific land area with the opportunity to change or modify the management prescription based on new knowledge.

V.

Because of the need for long-term planning of natural resource management, the Committee did not wish to enact temporary or partial authority to resolve the conflict resulting from the court's interpretation of the 1897 Act.

VI.

The National Forest System contains a wide range of climatic conditions, topography, geologic and soil types, vegetative covers, and wildlife. Because of this natural diversity, it was decided it would be unwise to legislate national prescriptions such as contained in S. 2926. The Committee realizes however, that many of the objectives of S. 2926 were important. Many of the Committee's amendments are based on concepts based on S. 2926.

VII.

Two issues, the resolution of which have tremendous consequences on the management of National Forest System lands, are: (1) what approach should be taken to insure a sustained yield of the timber resources, while providing for the renewability of the other forest resources; and (2) to what specifications should roads on the System be constructed and how should this construction be financed.

SUSTAINED YIELD POLICY

The Committee, in reaching its decision on the issue of sustained yield, recognized the importance of the issue to overall National Forest management policy.

Section 5 of S. 3091, as reported, amends the Forest and Rangeland Renewable Resources Planning Act of 1974, to add criteria for the Secretary of Agriculture to follow in specifying guidelines to be applied in setting harvesting levels on National Forest System lands.

Section 11 of S. 3091 also adds a new section 13 to the 1974 Act. It sets the limits for the sale of timber from each National Forest to a quantity equal to or less than a quantity which can be removed from each forest annually in perpetuity on a sustained yield basis.

The annual limitation may be exceeded from time to time so long as sales over any 10-year period do not exceed such quantity limitation.

Where a National Forest has less than 200,000 acres of commercial forest land, two or more forests may be combined for the purpose of determining sustained yield. The limitations do not prevent exceeding the planned level in order to salvage timber stands substantially damaged by fire, windthrow, or other catastrophe.

In amending S. 3091, the Committee considered various suggestions about the sustained yield levels appropriate for the various resources on the National Forests. The 1897 Organic Act and the Multiple-Use Sustained-Yield Act of 1960 outline the purposes for which the National Forests may be established and shall be managed. The 1960 Act defines multiple use and sustained yield in terms of all renewable resources of the National Forests.

The Committee considered three alternative policies for establishing timber harvest levels—

The first policy would permit a rapid and significant increase in annual harvest levels now, despite the fact that this would lead to a decline in harvest levels in the future. This increase would come from currently mature timber, most of which is on Western National Forests.

The second policy would substantially reduce the annual harvest levels now and stress managing trees to an age when they reach physiological maturity.

The third policy would establish a harvest level at the quantity which can be removed in perpetuity on a sustained yield basis, as provided in the 1960 Act.

The rapid, widespread cutting of currently mature trees may well be an advisable practice on privately-held lands where the basic management objective is maximizing short-term economic returns. The Committee believes, however, that such practices are incompatible with the management of the National Forests, where decisions must be based on the numerous public values of the forest, in addition to economic returns.

The Committee also recognized that a system of harvest designed to concentrate attention on developing mature stands of large trees could fill a desire for supplies of such material but would reduce yields and affect other values.

The Committee concluded that managing the timber resource on a sustained yield basis is the most advisable means of guaranteeing a continuous flow of timber and related resources to meet the needs of the American people as called for by the 1897 and 1960 Acts. This approach also provides the best assurance that the other forest resources will not be subjected to sudden potentially adverse changes or disruptions.

The approach adopted by the Committee (1) means that allowable timber harvest levels can be increased where justified by management practices, (2) specifically permits the annual harvest to vary, and (3) permits the planned output over a decade to increase.

Indeed, the Committee expects that the allowable harvest will increase if the intensified management programs called for by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by S. 3091, are implemented.

ROADS ISSUE

An adequate transportation system is a basic requirement for effective multiple-use management and protection of renewable resources.

The subject of roads on the National Forests has been a matter of continued concern to the public and to the Committee.

Concerns expressed at the hearings cover a wide range

The concerns expressed at the hearings on S. 3091, S. 2926, and S. 2851 cover a wide range:

Roads are often built at too high a standard which creates more land disturbance and cost than is required to provide adequate, safe transportation;

Roads are often a major source of soil and water degradation and remove forest land from production of resources;

More roads are needed to effect better management;

Fewer roads are needed (roads have been used to prevent creation of wilderness);

More roads are needed to effectively manage and protect the forest and to secure the best yield of goods and services;

Timber purchasers are made to build too many high cost roads for uses well beyond the particular timber sale.

Timber purchaser roads are often not designed for effective land management;

Roads are closed off to recreational use after timber harvest and should remain open to use;

Roads not needed should be closed off and allowed to revert to vegetative cover;

More roads should be built as a part of the timber sale process despite the impact on purchasers and payments to counties. More roads should be built with appropriated funds in advance of active development; and

The issue focused

Roads impact on resources and program objectives. Their location and timing for installation have direct impacts on programs for resources.

Roads are financed in two ways:

(1) Direct appropriations are made, the road is constructed in advance of need. When timber is sold, its value is greater than an identical tract not served by roads. Thus, the "cost" of the road is recaptured by increased revenue; and

(2) The timber contract requires the successful bidder on the timber to construct the road. Its estimated cost for the needed road is deducted from the price of the timber. While appropriations are avoided, revenues are reduced, thus the budgetary impact is similar to using a direct appropriation. However, under current law the secondary fiscal impact is to reduce payments from revenues to counties by 25 percent of the estimated road cost. Thus, this system has two problems, not only does it require the purchaser to initially advance the capital to build the road, recapturing the advance through reduced timber prices, but also the counties' payments are affected. Further, the road network may not meet broad management needs.

There has been a major shift away from use of appropriated funds for permanent road construction to requiring timber purchasers to build the roads as a condition of the timber sale contract. This lowers the selling price of the timber and thus reduces the revenue sharing payments to States and counties.

Large volumes of timber are lost because they cannot be reached on a timely basis. A sustained-yield harvest at optimum levels cannot be achieved if, in fact, substantial annual losses occur in unroaded areas.

Pricing—Sale economics

Many factors affect the "value" of timber. The less risk associated with a sale, the greater its salability. Where values are low, utilization opportunities are limited, costs to convert are high, and delays may occur due to absence of a road. The appraised value may therefore be low and risk allowances would be greater.

In some cases, the condition of the forest requires action to remove those trees which can impact on the rest of the forest. The "value" of the timber in any case should be determined in the market, with every effort to make marginal sales as risk free as possible.

The 1964 provision on road costs

The Act of October 13, 1964 authorized the reduction in the price of timber to cover the estimated cost of permanent roads to be constructed by timber purchasers. That Act also stated that timber purchasers would not be required to bear the part of the cost of such roads needed to provide a road of a higher standard than needed to harvest and remove the timber on that particular sale. This has been commonly referred to as the "prudent operator" approach. The language of the Act was, in this regard, unfortunate. The practice, prior to the specific authorization and subsequent to the passage of the Act, was not to have purchasers bear the cost. What has borne the cost of roads is the timber.

DIRECT ROAD CONSTRUCTION COST¹

(Dollar amounts in millions)

Fiscal year:	Direct appropriations	Timber purchaser credit	Total	Direct funding (percent)
1970.....	\$94.4	\$82.6	\$177.0	53
1971.....	108.4	102.2	210.6	51
1972.....	110.5	116.8	227.3	49
1973.....	59.8	146.9	206.7	29
1974.....	13.3	157.4	170.7	8
1975.....	21.8	187.4	209.2	10
1976 estimate.....	11.9	210.0	221.9	5
1977 estimate.....	18.2	200.0	218.2	8

¹Excludes survey, design and engineering costs.

It was never contemplated when the 1964 Act was enacted that the timber purchasers' device, which then covered constructing roads with a "value" and revenue impact estimated at about \$50 million (with negative impacts on counties at \$12.5 million) would grow 12 years later to one with over \$210 million in revenue impact (and a \$52.5 million negative impact on counties).

Nor was it contemplated that the 50-50 balance between direct appropriation and purchaser construction would change to a 5-95 ratio, as is now the case.

Reasonable Standards

The Committee's intent is that roads shall be well planned, and that they will be carefully designed for intended uses. The management plan and the transportation plan will be integrated documents assuring that permanent roads will be built where needed and temporary roads where needed. These plans will set proper standards so that overbuilding will be avoided.

The on-site and off-site impact of roads on soil, water, and renewable resources is a matter of growing concern. For natural resource roads, there is a substantial need to recognize that the problems created are far different from those that result from decisions on major arterial highways.

The Committee action

The Committee adopted several changes in National Forest road policy. Sections 8 and 16 of S. 3091, operating in conjunction with redesignated section 10 of the Forest and Rangeland Renewable Resources Planning Act of 1974, and the Act of October 13, 1964, will operate as follows:

1. Road funding devices will be evenly considered since there will no longer be a presumed advantage to favoring a system with fiscal impacts disadvantageous to local governments.
2. Road network decisions will be based on long-term needs. Multiple-use roads will be planned for a sustained yield of multiple resources.
3. Road standards will be better tailored to intended uses, considering safety, cost of transportation, and impacts on lands and resources.
4. Timber purchasers who have been tying up working capital in excess of \$200 million annually will no longer be expected to build major roads as a condition of purchasing timber. The issue has not been whether they are or are not compensated for building such roads. Timber purchasers are compensated. The issue is whether this system of timber revenue reduction to finance road construction should be relied on so heavily and used so indiscriminately.
5. Timber purchasers will be expected to construct only those roads, permanent and temporary, where such roads are the best available alternative.
6. The network of needed roads will be planned and well executed, using non-permanent and permanent roads, as appropriate. Non-permanent roads and roadways will be designed to the extent feasible for early return to the resource production base.
7. The impact of roads and roadways as contributors to erosion, soil, and watershed losses should be a stronger factor in design, location and construction of roads.

Inappropriate road standards result in unnecessary expenditures of appropriated funds or reduced revenues to the Treasury for construc-

tion and may cause environmentally harmful impacts. The Committee concluded that more effective reforms are needed to assure that road standards are properly determined so that excessive construction is avoided while providing an efficient transportation facility.

The limitation on the standard of road which a timber purchaser could be required to construct under section 4 of the Act of October 13, 1964, has led to the construction of some roads of a lower standard than needed for future use of the road. Later reconstruction of such roads creates additional costs and possible environmental impacts. The Committee decided that the standard of roads to be built rests squarely with the Secretary as part of his responsibility for management of the National Forest.

The timber purchaser does not pay for these roads; they are paid for by the Government as a credit which reduces the price paid into the Treasury for the timber.

Section 4 of the 1964 Act was intended to minimize the impact of constructing roads for the permanent transportation system as part of a timber sale. With the change in the method of calculating payments to States proposed in section 16 of the Committee bill, the need for this provision is removed.

In those cases where the needed standard of road would result in a sale with less than a normal profit opportunity, the Secretary can use his authority to allocate appropriated funds for all or part of the cost of building roads in the approved transportation plan.

Payments to States for Schools and Roads—Section 16.

The Act of May 23, 1908, and the Act of March 1, 1911, require that 25 percent of all moneys received from each National Forest be paid, at the end of each fiscal year, to the State in which the National Forest is located. The payments must be expended as the State legislature prescribes for the benefit of public schools and public roads of the counties in which the National Forest is located. For the purpose of calculating the required payments, receipts from the sale of forest products are based upon the stumpage payment of the timber sold.

Section 16 of S. 3091 would revise the base from which the 25-percent payments to counties are calculated by including, as moneys received—

- (1) Deposits collected under the Act of June 9, 1930 (the so-called Knutson-Vandenberg Act) which are used for reforestation and timber stand improvement within the National Forests timber harvest areas; and
- (2) Credits earned and used in payment for timber by purchasers of National Forest timber and other forest products upon satisfactory construction or reconstruction of permanent roads on National Forest System lands which are specified in the timber sale contracts.

The Committee recognizes the complexities which surround existing payments to States and local governments from receipts generated by the National Forest System and other Federal lands. A broad range of alternative adjustments was considered by the Committee. The two adjustments agreed to would, in the Committee's judgment, provide a much needed increase in payments to States and counties in which there are National Forests, with minor effects on the Federal budget.

The inclusion of timber purchaser road credits in the base for the 25-percent payments would help correct an inequity to the States and counties that has developed during recent years as the Forest Service has increasingly relied on the timber purchaser road credit mechanism for road construction within the National Forests. While the Committee agrees that counties should receive 25 percent of timber purchaser road credits actually utilized in payment for National Forest timber and other forest products, the Committee does not intend to provide payments in excess of the amounts that would have been made had no timber purchaser credits been utilized. In other words, section 16 of the Committee bill will require the Secretary of Agriculture to include, in the base for the 25-percent payments, timber purchaser road credits actually utilized in lieu of cash during each fiscal year for the payment of timber and other forest products.

However, timber purchaser road credits earned or allowed but not actually utilized in payment for timber during each fiscal year, will not be included in the base for the 25-percent payments for that fiscal year. Such credits shall be included in the base for the 25-percent payment for a subsequent year in which they are actually utilized.

VIII.

The Committee wishes to emphasize that S. 3091 does not change the basic national forest management objectives and policies set out in the 1897 Organic Act and the Multiple Use-Sustained-Yield Act of 1960.

Other issues addressed by the Committee included the following items:

Findings (Sec. 2)

The Committee adopted seven findings as an amendment to the Forest and Rangeland Renewable Resources Planning Act of 1974. Findings (5) and (6) recognize the importance of private and public land ownerships in achieving national interests.

The Committee does not in any way intend the Forest Service to assume the management of private timber lands. However, the Committee does intend that the Forest Service will make its knowledge and experience available to the private land owners toward improved management on these lands.

Report on Fiber Potential (Sec. 3)

The Committee in its consideration of findings strongly supported the need for the Assessment which covers both public and private land. Also of concern to the Committee was the need to improve the utilization of the forest and forest products. One of the steps necessary to this improved utilization is a comprehensive assessment of the additional opportunities to expand the potential of the National Forest System to provide fiber for the Nation. The Committee is aware that information is collected on forest mortality, growth, and salvage potential. It is, however, the Committee's intent in providing for a specific report on the additional fiber potential in the National Forest System, to go beyond the present procedures and consider all the various factors relating to fiber utilization including mortality, growth, salvage potential, potential increased forest products sales,

economic constraints, alternative markets, contract consideration, and other multiple-use considerations. Although the emphasis is on the National Forest System, it is not intended that the relationship of these same factors to other lands be ignored in the Assessment, but rather the National Forest System is an area of priority for in-depth assessment. The report on fiber potential is to be a part of the 1980 Assessment and subsequent Assessments.

Currently available information indicates dead timber makes up a substantial portion of our Nation's forest resource. This material presents usable volumes, volumes that can be left in the woods for habitat, nutritional purposes for forest soils, and for a variety of purposes. We need to know more about this fiber, and if, through our future forest management efforts, more fiber can be made available through improved management of our forests.

Renewable Resource Program (Secs. 4 and 6)

The Committee adopted a refinement of the Forest and Rangeland Renewable Resources Planning Act which more specifically identifies the scope of the recommendations to be included in the Renewable Resource Program.

In addition to the direction already contained in the basic Act, the Program will include an evaluation of the objectives of the major Forest Service programs, including research, cooperative programs, and management of the National Forest System, and an explanation of opportunities for landowners to participate in programs to improve productivity of their lands for renewable resources.

As a basic guideline, Program recommendations will recognize the need to protect and, where appropriate, improve the quality of soil, water, and air resources. The Program recommendations will specifically state national goals for resource management which clearly recognize the relationships between, and interdependence within, the various resources and the bearing of each resource to the total Program.

The Committee extended the time period for Congressional review of the Statement of Policy from 60 to 90 days, to allow the Congress more time to evaluate and act on the Statement of Policy.

The Committee believes it desirable to more clearly relate the Program to the appropriation process and to provide a mechanism for this Committee to exercise its responsibility for Forest Service activities.

It is the Committee's view that the Renewable Resource Program should be adequately funded in order to assure that the management objectives of multiple-use and sustained-yield are obtained. It is also the Committee's intent that there be a balance within the Program and that such balance is maintained at whatever level of funding is provided.

The Committee desires that constructive communications exist between the Executive Branch and the Congress on the amount included in the President's budget request in relation to the policies in the approved Program and Statement of Policy. To achieve this end, if the budget request fails to meet the policies of the Program and Statement, the Committee concluded that, the Director of the Office of Management and Budget should appear before the affected responsible authorizing Committees to explain the budget request.

National Forest System Planning (Sec. 5)

Planning

The Forest and Rangeland Renewable Resources Planning Act of 1974 provides a comprehensive process for the development of an Assessment and Program. The emphasis in that Act is to establish a process to develop a national Program of research, cooperative forestry, and National Forest System management that will meet the needs of the American people. In order to achieve the goals of the Program, the Secretary of Agriculture is directed by section 5 of S. 3091 to develop, maintain, and revise land and resource management plans consistent with the principles of the Multiple-Use Sustained-Yield Act of 1960.

Section 5 requires two major actions by the Secretary. First, he is to set out in regulations the process for the development and revision of land management plans, and second, he is to establish guidelines which will apply to land management planning for the National Forest System. Related provisions also provide for appropriate consistency in resource plans and authorizations for the use and occupancy of National Forest System lands. These actions will provide broad guidance so that on-the-ground action by the forest manager will be effective in securing sound multiple-use policy.

a.

S. 3091 provides for public participation in the formulation and review of proposed plans.

The Committee intends that land management planning and the formulation of regulations to govern the planning process shall be accomplished with improved opportunity for public participation at all levels.

In requiring the Secretary to promulgate regulations that set out the land management planning process, the bill specifically requires that he describe how the interdisciplinary approach will be used, the type of plans that will be prepared and their relationship to the Program, the procedures to insure public participation, and the procedures for coordinating the preparation of land management to insure that they are prepared in accordance with the National Environmental Policy Act of 1969. The regulations are to be consistent with Council on Environmental Quality guidelines, providing direction for situations requiring preparation of an environmental impact statement. The provision referring to the National Environmental Policy Act is neither intended to enlarge nor diminish the Forest Service's responsibilities under the Act.

b.

A major Committee action was the adoption of a provision directing the Secretary to appoint a temporary committee of scientists from outside the Forest Service to provide scientific and technical advice and counsel on proposed guidelines. The Committee believes that this technical advisory committee will help assure a broad based, interdisciplinary, technical review. The committee is to function during the two-year period when the regulations are developed. It may be reconstituted at a later date if needed.

c.

Since, under the provisions pertaining to the promulgation of the regulations, the regulations are to be completed in two years, the Committee adopted a provision whereby interim procedures would be adopted by the Secretary within 120 days. Management activities could be carried out in accordance with existing regulations and the interim procedures, when adopted, until the final regulations are published. It is anticipated that the interim procedures will consist almost entirely of existing Forest Service directives. It is not intended by the Committee that the interim guidelines should require the preparation of an environmental impact statement since this is not new Federal action.

Therefore, it is the Committee's intent that a new environmental impact statement would only be required if interim guidelines differ significantly from the current Forest Service guidelines.

d.

Resource plans and permits, contracts, and other instruments for the use and occupancy of the National Forest System lands shall be consistent with land management plans. At the time a land management plan or revised plan is approved, there may be in existence any number of uses or occupancies granted or authorized by the United States pursuant to law on the area of National Forest System land covered, or to be covered, by the plan. Such uses or occupancies may include contracts for the sale of timber or other forest products, easements, leases, permits and licenses for a variety of purposes: grazing, recreation facilities, mining and mineral development, utilities, public works, power development and transmission rights-of-way, among others. The Committee expects the Forest Service, as soon as practicable, to bring all activities into conformity with the land management plans, subject to valid existing rights.

e.

The Committee bill directs that guidelines be developed by the Secretary of Agriculture for the land management planning process. While planning guidelines will apply at all levels, there is not to be a national land management prescription. The general framework for the plans and appropriate management direction would be established on a national basis. The Secretary may also provide for appropriate guidance to apply to specific geographic areas and he will describe the type of plans that will be prepared and the relationship of those plans to the Renewable Resource Program.

The detailed application of this framework and direction would be reflected in individual plans.

The guidelines to be developed to guide land management plans fit in four basic categories: resource inventory, multiple use coordination, timber harvest guidelines, and research and evaluation.

Resource Inventory

The Forest and Rangeland Renewable Resources Planning Act of 1974 provides broad direction that, as part of the Assessment, the Secretary shall develop a comprehensive renewable resource inventory. The Committee bill specifies that guidelines be developed to iden-

tify land suitability, provide for obtaining inventory data on the various renewable resources and soil and water, and provide for methods to identify special resource hazard conditions.

The Committee believes that in the development of land management plans, the land manager must pay particular attention to the identification of land suitability and capability for various types, levels, and combinations of resource use, the methods for securing basic resource data, and special resource relationships where hazards exist for the various resources.

Multiple use coordination

S. 3091 directs the Secretary to develop guidelines based on the principles of the Multiple-Use Sustained-Yield Act. The Committee drew together the basic concepts of the various proposed bills on forest management, and the harvesting guidelines contained in the March 1972 Report, Clearcutting on Federal Timberlands, by the Subcommittee on Public Lands of the Senate Interior and Insular Affairs Committee.

Consideration was given to guidelines which would be applicable to all resources, such as: to insure consideration of the economic and environmental aspects of various systems of renewable resource management; to provide for diversity of plant and animal communities based on the suitability and capability of the land; to recognize the requirements necessary to coordinate the uses on areas identified as special provisions to protect soil, water, esthetic, and wildlife resources where conditions are critical for tree regeneration or where the land is sensitive to the impact of timber harvest. The Committee also adopted a provision that the guidelines specify how the expertise of affected State agencies, such as wildlife conservation agencies, will be obtained as part of the technical base for the preparation of land management plans.

The requirement in S. 3091 that the guidelines provide for diversity of plant and animal communities does not preclude conversion of timber stands from one type to another. However, the Committee is aware of the widespread public concern over conversion of eastern hardwood forests to pines. No conversion should be permitted unless it would be consistent with multiple use management and it is provided for in a land management plan developed with full public participation and review.

Specific harvest guidelines

(i)

In recognition of the fact that forests are extremely diverse, the Committee concluded that there are many factors which must be considered in selecting the proper silvicultural system in order to meet management objectives under plans. Therefore, the Committee directed that the silvicultural systems to be prescribed should be appropriate to the forest type and represent the current state-of-the-art in scientific forest management.

In carrying out this provision, the Committee expects that the Secretary will identify, for logical geographical areas, the silvicultural system or systems which have been found through research and experi-

ence to provide conditions for the prompt regeneration and growth of desirable tree species in order to meet multiple-use objectives set forth in the forest land management plan. It is recognized that silviculture can be utilized to achieve a variety of management objectives, in addition to that of timber production. Wildlife, watershed, recreation, grazing, protection of the forest from insects and disease, and other multiple-use objectives can be advanced through application of various silvicultural methods and cutting techniques. All such uses and applications should be considered in the development of silvicultural prescriptions. In developing the prescriptions, the Secretary is expected to utilize findings of research by the Forest Service, as well as other sources, and to consult with the committee of scientists established by the bill. In prescribing silvicultural systems, the Secretary will consider all resource objectives for the area as well as environmental factors, including economic and social impacts.

(ii)

The Committee received substantial testimony over whether the National Forests were being managed on a sustained-yield basis, as required by the Multiple Use-Sustained Yield Act of 1960. Statements were made that some areas believed to be marginal or submarginal lands were included in the land base for calculating the allowable harvest, that anticipated growth rates were too high, and that public funds were being invested in areas of low productivity. On the other hand, the Committee was told that present allowable harvest rates were too conservative and there were large opportunities for increasing timber production from the National Forests.

The Committee developed a number of provisions designed to insure that appropriate lands are included in the land base and reasonable harvest levels are established as part of the land management planning process.

S. 3091 assures that harvest levels are based on management plans and not set by arbitrary determination. The Committee recognizes, however, that forest lands have inherent capabilities of producing various mixes of resources uses and that output levels will vary with the level of the investments and intensity of the management effort.

The Committee recognizes that land management plans must be revised on a planned basis. Harvest levels are to be based on the currently approved plans.

The Committee was especially concerned that lands included in the base for establishing a use or a harvest level are suitable and available for the use and planned intensity of management. It is not the intent of this bill to prevent the sale of marketable timber. However, the Committee wants to insure that public funds are not invested in growing timber for commercial purposes on areas where the anticipated economic return is less than the cost of production. Timber harvesting and other silvicultural practices can be utilized to achieve other multiple use objectives, such as wildlife habitat improvement. It expects the Secretary to continue to utilize timber harvesting and other cultural practices to achieve the other resource objectives on areas where commercial production may not be feasible.

(iii)

In determining whether certain lands should be managed for timber products, only direct timber production costs and returns should be evaluated. Costs and benefits attributable to other resource values should be excluded because of the lack of certainty involved in assigning values to other benefits derived and the impact on multiple use goals. On areas where timber production is not practical as a land management objective, the costs of revegetation following harvest, access, protection, and administration for other multiple-use purposes are extended. The Committee also excluded the economic cost of carrying trees for the rotation cycle.

Certain National Forest lands in the more arid portions of the National Forest System have a relatively low growth rate. Data are not available now on how much land falls in this category. The Committee expects the Secretary to develop data for the 1980 Assessment and Program, to assure that precipitous action is not taken which may have drastic and widespread economic impacts in the Inter-mountain West or other areas which seem to have low productivity levels. Whether lands are of high or low productivity, often the forest values may be high, and subject to the forces of nature that can have a beneficial or detrimental effect on timber and other multiple-use potentials.

(iv)

There are substantial opportunities to increase future supplies of timber through investments in reforestation and other intensive management measures on productive sites. The Committee believes that there should be adequate funding for these practices. When funding is provided and intensive management practices are initiated, it is appropriate in such forests, to increase allowable harvest rates considering the estimated future yield increases which will result.

The Committee believes, however, that such increases should be continued only if planned practices are carried out on schedule and field monitoring indicates they are producing the estimated growth response. The intent is that at various stages, when the practice has been completed and is judged effective, the growth benefit can be applied. It is not intended that the trees must reach marketable condition to incorporate the benefits. At the same time, if other events reduce growth rates or growing stock, downward adjustments would be required. To stabilize the process, most adjustments should be made at the 10-year revision point.

The Committee bill is designed to insure that increases in harvest rates are instituted only when a sound basis exists for projecting future yields and when control and monitoring procedures are incorporated in the management plan to insure that practices are carried out on schedule and that they produce the anticipated results.

The Secretary has applied the Multiple-Use Sustained-Yield Act of 1960 to require a relatively regular annual output of timber from each National Forest. The Committee recognized that the Secretary needs some flexibility to adjust harvest rates from year to year and from planning period to planning period in order to secure long term objectives in the terms set forth in the Multiple-Use Sustained-Yield Act of 1960.

(v)

In 1972, the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs adopted guidelines for clear cutting on Federal lands. The guidelines were intended to insure that the substantial economic benefits of timber production were achieved on an environmentally sound basis. The Forest Service indicated that it has generally applied these guidelines.

Recognizing the importance of the water and fishery resource, the Committee precluded timber harvesting from areas where an interdisciplinary review indicates that harvesting cannot be accomplished without serious and adverse damage to water condition or fish habitat. Where protection can be afforded harvesting can be done.

The Committee is concerned that despite previous assurances of adequate protection for fish and wildlife habitat, significant damage is still occurring, particularly in Alaska. The Committee believes that the Forest Service should make greater use of the expertise of State fish and wildlife agencies, the Fish and Wildlife Service, and the National Marine Fisheries Service.

Activities that may affect significant fish and wildlife habitat must be very carefully planned and monitored to assure that habitat values are recognized and properly protected.

It is particularly important that a competent biologist should conduct, at least annually for the duration of the sale contract, a field inspection at the site to determine whether the recommendations for protection of fish and wildlife habitat have been adequately implemented and whether changes should be made.

Clearcutting and other harvest systems aimed at creating even-aged stands result in sudden ecological change. The impacts on esthetics and other forest values are perceived as being more immediately significant than those associated with uneven-aged management. Therefore, the Committee believes that special consideration is needed to assure proper use of these systems. This does not mean that other systems are not to be applied with equal care.

The term "optimum method" means it must be the most favorable or conducive to reaching the specified goals of the management plan. This is, therefore, a broader concept than "silviculturally essential" or "desirable"—terms considered and rejected by the Committee.

The Committee had substantial discussion over how to define when it was appropriate to use even-aged management systems. There was full agreement that the decision should not be based solely on economic benefits, i.e., dollar benefits or dollar returns. Rather, the full scope of environmental effects (natural, economic and social) should be evaluated and even-aged systems should be used only when they best meet forest management objectives for the individual management plan. Further, the monitoring, evaluation and research processes will be used in the process.

(vi)

The size of clearcutting units had been a subject of wide public comment and Committee consideration. The Committee expects the Secretary to establish appropriate limits on size of units to be cut based on the best available scientific evidence, management plan goals, and the guides in this bill on overall decision making. The Committee

expects the Secretary to write specific guidelines and hold the average size of clearcuts as low as practicable.

The Committee also notes that in addition to size, such factors as the slope of cutting units, the proximity of units, one to another, the relationship of units to natural openings, and the effect on esthetics and other resource values must be considered.

However, the Committee intends that cuts will be shaped and blended whenever possible.

Research and evaluation

The Committee intends that an overall program of on-the-ground monitoring and evaluation, coupled with research, insure the sound management of National Forest System lands. The land management guidelines will provide for a regular monitoring and assessment. An evaluation can be made and research undertaken as needed to determine the effects of each management system in use or proposed for use. If research or evaluation establishes that a management system or method is producing impairment of the productivity of the land, such system or method will be modified or discontinued. The term "impairment of the productivity of the land" is as used in the 1960 Multiple-Use Sustained-Yield Act.

The subject of "nutrient degradation" on forest soils is a matter of real concern. Additional research and more comprehensive monitoring and evaluation of nutrient degradation is a high priority example of the benefits expected from sound application of the research and evaluation provision of the Committee bill.

Public Participation and Advisory Boards (Secs. 5 and 11)

S. 3091 requires the Secretary to provide for public participation in the formulation and review of proposed Forest Service land management plans, and directs the Secretary to establish procedures to give other Federal, as well as State, and local agencies, and the general public, notice and opportunity to comment on standards, criteria, and guidelines applicable to Forest Service programs.

The bill also requires the Secretary to establish and consult advisory boards as he deems necessary as an additional means of providing public participation in the planning for and management of the National Forest System. In establishing any such board, the membership is to be representative of a cross section of groups interested in the planning for and management of the National Forest System and the various uses and enjoyments of lands in the System. The Secretary is to assure that the general public and user groups, are represented in the membership composition of the board. The provision does not, however, require that each such group have its members on each advisory board as long as the membership reflects a cross section of interested groups. The Committee expects that advisory boards will be established at the national level and for each region and National Forest. Special boards, such as the one for the Oregon Dunes, are not affected. All boards, however, are subject to the Federal Advisory Committee Act.

Restoration of Vegetative Cover (Sec. 7)

The Committee is concerned that adequate action is taken to revegetate areas where vegetation is removed by man or natural causes. It

notes the long time that it has taken to begin to make significant reductions in the backlog of land needing reforestation and range improvement. In order to assure a real reduction of these backlogs, the Committee decided the Congress should receive annual reports on the status of needed revegetation. The report will show the Congress overall funding needs, scope of action, and other relevant information. Areas disturbed by planned improvements need not be reported.

Amendments to the Knutson-Vandenberg Act (Sec. 18)

The Committee decided that certain changes in the Act of June 9, 1930 (the Knutson-Vandenberg Act) are desirable to facilitate accomplishment of resource management programs adopted under the Forest and Rangeland Renewable Resources Planning Act. The 1930 Act limits the collection of funds for sale area betterment to the average cost of reforestation on the forest during the previous 3 years. During the recent period of rapid inflation, this constraint has prevented the collection of adequate funds to do needed work on many sale areas. The provisions of the 1930 Act are also deficient in that they limit the expenditure of funds to measures designed solely to assure and to increase timber production, while the Multiple-Use Sustained-Yield Act requires a broader approach.

The funds collected still must meet the basic purpose of timber production, but there are also other multiple use opportunities on timber sale areas which can logically and most efficiently be accomplished along with the timber stand improvement job. Watershed and wildlife habitat improvement are examples.

Authority to Sell Timber (Sec. 14)

a.

In recent litigation, the courts held that a provision in the 1897 Organic Act limited the sale of timber from the National Forests to trees that are dead, matured or large growth. The courts observed that this provision may be an anachronism. The Committee concluded that it is an anachronism, and repealed the provision.

b.

Section 14 of S. 3091 adds new provisions dealing with the Secretary's authority to sell timber on National Forest System lands.

Under section 14(a) of the Committee bill, the Secretary is authorized to sell trees, portions of trees, or forest products to achieve the policies set forth in the Multiple-Use Sustained-Yield Act and the Forest and Rangeland Renewable Resources Planning Act of 1974. The Secretary's existing authority is expanded in order to provide for the sale of portions of trees, logs, and miscellaneous forest products and to give the Secretary flexibility in how he markets timber.

c.

The Secretary has used long-term sales in certain circumstances to encourage development and utilization of the timber resource. The Committee decided that the need for, and opportunity to make, long-

term sales is largely past. Section 14(c) of the bill limits the length of the sale to 10 years, except that if the Secretary makes a finding that better utilization of forest resources can be achieved, a longer term sale may be allowed. The Committee expects that the bulk of the timber sales will be substantially less than 10 years in length, and that extensions on any contract will be granted only under the most urgent conditions.

The advertising requirements of the 1897 Act are retained in section 14(d). The Committee believes, however, that the threshold at which advertising is required should be raised from \$2,000 to \$10,000. The \$2,000 figure was established many years ago when stumpage values were substantially below current levels. The increased values have reduced the volume of timber which can be sold without formal advertisement to a token amount in many cases.

The Committee believes that small sales are an effective mechanism for improved utilization of National Forest resources. They provide employment opportunities for small operators and improved resource utilization. The Committee encourages the Forest Service to maintain an active small sale program. Small sale does not mean private sale. Even for small sales informal advertisement shall be used when appropriate. The notice objective of the sale program is to properly reach potential interested bidders, using the most effective means to do so.

d.

In carrying out research and demonstration projects, it is often desirable for the Secretary to negotiate the sale or other disposition of trees, logs or other forest products. This authority is provided in section 14(e).

Another issue of the recent litigation was the requirement in the 1897 Act that all trees to be sold must be both designated and marked. The objective of marking was to ensure that only those trees which were intended to be sold were cut. There are other techniques for controlling the trees to be cut. For example, an area can be designated and the trees to be left would be marked; or if all the trees are to be cut in an area, the boundary around the cutting area can be marked at intervals. The Committee believes the Secretary should have the flexibility to use the most efficient means available to assure the cutting of only trees which he wants cut. Section 14(f) requires that designation and supervision of harvesting be done by Government employees and not delegated to persons directly or indirectly employed by the timber purchaser. Supervision of harvesting is intended to mean the administration of contracts and permits.

e.

There are substantial opportunities to supplement our supplies of wood by obtaining better utilization of trees harvested on the National Forests. Timber sale procedures and contracts are to be designed to promote utilization to the extent feasible. Costs necessary to transport low value material to locations where it may be utilized should be recognized in establishing the appraised value of the tract.

Making use of dead or dying trees was considered by the Committee. Lack of roads, funds, and manpower are major obstacles to more effective salvage of this timber. The sale of much of this timber could yield significant revenues, avoid a loss of potential revenue, improve protection of resources, and secure multiple-use benefits. The Committee included a provision for funding a more effective salvage program. Section 14(g) provides procedures so that purchasers of sales involving insect-infested, diseased, dead, damaged, and down timber may deposit the funds needed by the Forest Service to develop and administer such sales.

Validation of timber sales contracts (Sec. 15)

As the result of litigation over the interpretation of various portions of the 1897 Organic Act, there is uncertainty regarding the validity of thousands of existing contracts entered into in good faith based on that Act. Section 15(a) validates these existing contracts. There was special concern over the three long-term timber sales contracts in Alaska.

Section 15(b) of S. 3091 requires the Secretary, in developing five-year operating plans under the contracts, to revise the contracts to make them consistent with the guidelines and standards provided in the bill.

This will ensure that timber harvesting under these long-term sales will be conducted in accordance with the same standards which would apply to new sales in Alaska. To the extent not already authorized by the contracts, it also provides authority for the Secretary to adjust payment rates to reflect any changes in costs resulting from such modifications. The provision recognizes the rights of the purchaser of these sales to seek legal review of the actions of the Secretary under the provision.

DEPARTMENTAL VIEWS

In a letter to the Chairman dated March 19, 1976, the Department of Agriculture recommended that S. 3091, as introduced, be enacted with certain suggested amendments. The Department recommended that S. 2926 and S. 2851 not be enacted. The letter from the Department reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 19, 1976.

HON. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 3091, a bill "To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) and the Act of June 4, 1897 (30 Stat. 35)," S. 2926, a bill "To provide for sound forest management practices in the national forests of the United States consistent with the principles of multiple use and sustained yield," and S. 2851, a bill "To provide temporary authority for the Secretary of Agriculture to sell timber from the U.S. Forest Service lands in Alaska consistent with various Acts."

The Department of Agriculture strongly recommends that S. 3091 be enacted with the amendments suggested herein, and that S. 2926 and S. 2851 not be enacted.

S. 3091 would amend sections 1, 3, and 5 of the Forest and Rangeland Renewable Resources Planning Act of 1974. The amendment to section 1 would provide a statement of findings. The findings place emphasis on the complexity of management of the Nation's renewable resources and the need for a comprehensive assessment and program. They further emphasize the role of research, the role of private as well as public lands in meeting national needs, and the responsibility and opportunity for the Forest Service to provide leadership in managing and conserving natural resources. The amendment to section 3, "Renewable Resource Program," would provide further congressional direction by requiring that the Program include national recommendations for the various renewable resources and Forest Service programs, explain opportunities for various landowners, and assure soil, water, and air resources. The amendment to section 5, "National Forest System Resource Planning," would provide additional direction for the land management planning process by requiring public participation, and by requiring the Secretary to promulgate regulations that set out the process for the development and revision of land management plans and regulations that provide guidelines or requirements for land management plans. It would also require that resource plans and authorizations for the use and occupancy of National Forest System lands be consistent with land management plans. Sec-

(44)

tion 4 of S. 3091 would amend the Act of June 4, 1897, by deleting the present authority for sale of timber and inserting new authority, thereby removing a number of limitations on sales which have resulted from the court's recent interpretation of the 1897 Act. It would also validate existing timber sale contracts. Section 5 of S. 3091 would amend the Multiple Use-Sustained Yield Act of 1960 to capitalize the words "Multiple" and "Sustained" and retitle the act.

S. 2926 would prescribe standards, procedures, or limitations as follows: on the areas from which timber may be sold; on how sustained-yield will be determined; on utilization standards; on the use of even-aged management and clearcuts; on cutting immature timber; on the making, designating, and supervision of the cutting of timber; on type conversions; on the length of timber sale contracts; on preservation of natural forest ecosystems; on protection of National Forest soil resources; on fish and wildlife resources; on multiple use-sustained yield management plans; and on accounting methods for Forest Service timber sales. In a number of these areas the Secretary is required to promulgate supporting regulations. Section 17 of S. 2926 would authorize State and local governments to elect to receive annual payments of 75 cents per acre in lieu of and in some cases in addition to payments received under existing laws.

S. 2851 would authorize the Secretary of Agriculture to enter into contracts for the sale of timber from National Forest lands in Alaska in conformance with the National Environmental Policy Act of 1969 and the Multiple Use-Sustained Yield Act, notwithstanding the Organic Administration Act of 1897. It would also grant congressional approval of existing timber sale contracts. The authority under S. 2851 would expire on September 30, 1977.

The President transmitted to the Congress on March 2, 1976, the first Renewable Resource Assessment and Renewable Resource Program prepared pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974. We believe these documents and the President's Statement of Policy provide a comprehensive view of the Nation's renewable resources and a program for the future. It is in the context of the Renewable Resource Assessment and Program that we believe the various legislative options for new authority should be considered.

All eight possible renewable resource programs formulated during the preparation of the Renewable Resource Program were based on the longstanding interpretation of existing authority. Recent court decisions have interpreted the Secretary of Agriculture's timber sale authority under the 1897 Act to preclude the sale of any trees that are not dead, physiologically mature, or large. This interpretation effectively prohibits the application of scientifically accepted forestry methods necessary to manage and perpetuate forest stands, and not only adversely affects the timber resource but also wildlife and other forest resource values. This interpretation has not been applied nationwide, but if it were extended by further litigation, we estimate that it would reduce the volume of timber available for harvest from the National Forest System by about 50 percent. In our Renewable Resource Program, we provide an analysis of some of the effects that a nationwide application of the recent court decisions would impose. We also attach as a supplemental statement to this letter a description

of the impacts of the court decisions. To resolve the conflict between the court's interpretation and current as well as the recommended program requires new legislation.

We believe it timely to consider providing a new authority as the Congress reviews the documents prepared in response to the direction contained in the Forest and Rangeland Renewable Resources Planning Act of 1974. S. 3091 would do this, while strengthening the processes already established under existing statutes. The proposed amendment to the 1897 Act is necessary to provide authority to carry out current program responsibilities and to implement the program recommended in the Renewable Resource Program. We believe it is necessary to provide the Forest Service the flexibility to be responsive to the direction of the Multiple Use-Sustained Yield Act of June 12, 1960. We believe that Congress should direct "what" the National Forest System will be managed for and then provide the resource manager the flexibility, through a land management planning process, to determine "how" this direction can best be met on a specific land area with the opportunity to change or modify the management prescription based on new knowledge or changing needs. S. 3091 furthers this approach, and we strongly recommend that it be enacted. Although we support the emphasis on "MULTIPLE use" and "SUSTAINED yield" in section 5, we do not believe it is necessary to amend the Multiple Use-Sustained Yield Act of 1960 to provide this emphasis. We recommend that section 5 be deleted. We also recommend several technical or clarifying amendments which are described in the attached supplemental statement.

The National Forest System is very diverse and contains a wide range of climatic conditions, topography, geologic and soil types, vegetative covers, and wildlife. Because of this diversity, we do not believe it is desirable or practical to legislate national prescriptions as would be done by S. 2926. We strongly recommend that S. 2926 not be enacted. It would be very costly relative to the benefits obtained in terms of Federal expenditures and management options foregone. It would virtually negate the planning processes established in the Forest and Rangeland Renewable Resources Planning Act of 1974, and thereby prevent the development of a national perspective for the management of the National Forest System. The prescriptions in S. 2926 tend to prescribe management of one resource without fully considering the impact on other resources, thus limiting the application of the multiple use principle. Such prescriptions would also prevent utilization of present and new knowledge and techniques developed through research and experience. The combined effect of the limitations in S. 2926 is to prohibit the consideration by the resource manager and interdisciplinary specialists of otherwise sound management alternatives, thus acting as a constraint on the policies of the National Environmental Policy Act. The effect of S. 2926 is to legislate "how" the National Forest System is to be managed rather than to direct "for what" it is to be managed. We strongly prefer the approach taken in S. 3091.

Our analysis indicates that S. 2926 would have substantial adverse effects on certain wildlife habitats and related recreational activities, restrict opportunities to provide forage for livestock, limit our ability to protect the forest from wildfire, insect attacks and disease, and

would reduce annual yields of wood products by an estimated 50 percent. We are concerned that a resultant major shift from the National Forest System to private lands in the meeting of wood product needs could have a substantial adverse impact on private lands resulting in rapid liquidation of mature stands and early cutting of young, rapidly growing stands. In addition, because the National Forests contain over 50 percent of the existing softwood sawtimber supplies and because the short-term opportunities for private lands to meet national needs are limited, the reduction in supply from the National Forests would result in wood product shortages and increased prices. We enclose as a supplemental statement a more detailed analysis of the impacts of S. 2926.

Because of the need for long-term planning of natural resource management throughout the National Forest System, we do not favor the enactment of the temporary or partial authority to resolve the conflict resulting from the court's interpretation of the 1897 Act as contained in S. 2851. Temporary or partial authority would leave the long-term policy for management of renewable resource undetermined. This would inhibit both comprehensive planning and the public and private investments necessary for program implementation envisioned under the Forest and Rangeland Renewable Resources Planning Act of 1974.

The Office of Management and Budget advises that there is no objection to the presentation of this report and that enactment of S. 3091 would be in accord with the President's programs.

Sincerely,

JOHN A. KNEBEL, *Under Secretary.*

Enclosures.

U.S. DEPARTMENT OF AGRICULTURE SUPPLEMENTAL STATEMENT

TECHNICAL AND CLARIFYING AMENDMENTS TO S. 3091

On page 6, line 22 and page 6, line 25 after the words "resource plans" delete the comma and insert the word "and" to make a clear distinction between resource plans and authorizations for use and occupancy under permits, contracts, and other instruments. On page 6, line 25 substitute the word "land" for the word "such" to make it clear that the reference is to land management plans.

On page 6, line 24 after the word "plans" insert the following words: "or shall be revised as soon as practicable to be made consistent with such plans." This addition will provide for the orderly revision of resource plans and permits, contracts, and other instruments.

On page 7, line 2 add a new sentence to read: "Any revision in a permit, contract, or other instrument made pursuant to this section shall be subject to valid existing rights." This provision is needed to make it clear that the government is not taking any private rights or other interest as part of their action in compliance with this section.

Subsection (e) would then read as follows:

(e) Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans or shall be revised as soon as practicable to be made consistent

with such plans. When land management plans are revised, resource plans and permits, contracts, and other instruments, when necessary, shall be revised as soon as practicable. Any revision in permits, contracts, or other instruments made pursuant to this section shall be subject to valid existing rights.

U.S. DEPARTMENT OF AGRICULTURE SUPPLEMENTAL STATEMENT

IMPACT OF THE COURT DECISIONS

Background on the Management Authority of the National Forest System

Much of the basic authority for the management of the National Forests stems from the Act of June 4, 1897. The purposes of the National Forests as stated in that Act were "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." These purposes have been shaped and refined by a number of other acts over the years. The Weeks Act of March 1, 1911, for example, provides the authority to acquire lands and led to the establishment of most of the eastern National Forests. The Weeks Act directed the Secretary to identify for purchase "such forested, cutover or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber." Under these and other acts the mission of the Forest Service in the management of the National Forests has been one of land stewardship and management for multiple resource values. The policy of multiple use management was clearly stated in the Multiple Use-Sustained Yield Act of 1960. Subsequent legislation such as the Wilderness Act, the Wild and Scenic Rivers Act, the National Environmental Policy Act, along with pesticide, water quality, and air quality laws have further served to shape management based on a concept of land stewardship and management for multiple resource values to meet national needs. The Forest and Rangeland Renewable Resource Planning Act of 1974 provides the framework to draw together a national renewable resource assessment and a recommended program for the activities of the Forest Service.

The Forest Service role in the management of the National Forest System is to act as a steward of the land, fully utilizing the scientific knowledge gained by research and experience on the forest and rangelands of this and other countries. The land is to be managed for multiple use-sustained yield benefits. It is against this background that we will discuss the impact of the court's interpretation of the 1897 Organic Act.

Impact of the Monongahela Decision on Land Stewardship Within the National Forest System

On August 21, 1975, the Fourth Circuit Court of Appeals affirmed a decision of the Federal District Court for West Virginia pertaining to three planned timber sales on the Monongahela National Forest. This decision, based on a strict interpretation of the 1897 Act, allows

sale of only dead, physiologically mature, or large trees which have been individually marked and which will be completely removed. As a result, the Forest Service was required to reduce its timber sale program in the States of Virginia, West Virginia, North Carolina, and South Carolina to 10 percent of that planned for FY 1976. On December 23, 1975, the Federal District Court for Alaska, in *Zieske v. Butz*, adopted the conclusion of the Fourth Circuit Court, and applied the same standards to an existing 50-year timber sale which was sold in 1951, to the Ketchikan Pulp Company (KPC). The final order, dated February 19, 1976, enjoined and restrained the sale of trees on a specific part of the sale area, applying the same interpretation of the 1897 Act as the Fourth Circuit Court.

The court's interpretation has a major impact on the Forest Service's flexibility to manage the vegetation on National Forest System lands. The requirement that we only sell trees that are "dead, physiologically mature, or large" becomes a prescription which does not recognize the need to periodically thin trees to provide growing space nor the natural diversity of land characteristics and variation in management objectives between areas. The court's interpretation that trees sold must be individually marked is primarily a question of efficiency. Our present practice of marking boundaries of clearcutting areas or of marking "leave trees" when shelterwood, seed tree, or thinning is planned assures that only the desired trees will be cut. We can comply with the court's interpretation but it would increase sale preparation costs with no public benefit from such expenditures. The interpretation regarding removal raises the question of how complete this removal must be. We believe our current timber sale contract requirements meet this requirement. The requirement that we only sell dead, physiologically mature, or large trees is the primary aspect of the court's interpretation that affects current and proposed programs.

As a current practice, without the constraint of the dead, mature, or large requirement, the Forest Service through land and resource management planning evaluates the physical and biological characteristics of a specific land area and after analysis of alternative uses of the land and its resources develops a management plan for the area. This plan is directed toward meeting goals for each of the resources. The effect of the dead, mature, or large, requirement under the court's ruling is to eliminate a number of environmentally and economically sound prescriptions or practices necessary to grow and perpetuate trees for many purposes.

The Fourth Circuit Court of Appeals in their decision recognized that the 1897 Act might be outdated. The court's decision concluded: "We are not insensitive to the fact that our reading of the Organic Act will have serious and far-reaching consequences, and it may well be that this legislation enacted over seventy-five years ago is an anachronism which no longer serves the public interest. However, the appropriate forum to resolve this complex and controversial issue is not the courts but the Congress." The Government's position in the court cases was that the 1897 Act, as supplemented by subsequent acts of Congress, demonstrated Congressional approval of forestry practices being followed by the Forest Service. We now believe new legislation is needed to allow the application of sound management prac-

tices with each prescription based on an analysis of the specific land and resource situation.

The dead, mature, or large requirement has two primary effects on vegetative management and associated wildlife. First, a young forest needs to be cared for as it grows. This means thinning is essential to promote growth and vigor of the stand. Such thinning is also beneficial to many forms of wildlife, since it opens the stand to allow sunlight to reach the forest floor and promotes growth of wildlife food. Under the court's interpretation of the 1897 Act, throughout the life of the stand immature trees cannot be removed by sale. This means that commercial thinning and intermediate cuts cannot be made to improve the growth and vigor or species composition of the stand, or to open it up to improve browse and forage conditions or favor other resource uses. These limitations on vegetation management affect all the resource values in a complex and interrelated manner.

Second, in the removal of sawtimber from the Forest, the definition of physiological maturity of "individual trees" occurs at a significantly later time than our current practice of determining maturity which is dependent on when growth of the "stand" as a whole has slowed materially (culmination of mean annual increment for the stand). We estimate that harvest ages, under the court's interpretation, will have to be established at ages about three to four times those currently envisioned. This will mean that the forest ultimately will consist of substantially larger and older trees than envisioned under current land and resource management plans. Although clearcutting or other even-aged silviculture treatments can continue in such mature stands, the long rotations will create a need to minimize reforestation investments, thus, a shift to shelterwood cutting will take place in many forest types. Over the long-term increasing rotation lengths will result in reducing the annual area of regeneration cutting in stands managed on an even-aged basis. Ultimately the entire area will be harvested but over a longer period of time.

Timber Resource

Based on the constraints on the type of trees that can be harvested under the court's interpretation we estimate that volumes of timber which can be harvested from the predominately immature eastern National Forests in the next few decades will be only 10 percent of current harvest levels. In the mature forests of the West, we estimate that harvest levels will be reduced to about 50 percent of current harvest levels. In addition, because of the increase in harvest age and inability to harvest immature trees, a buildup in the forest of dead material is likely to occur making the protection of the forest from wildfires and insect and disease attack more difficult and more costly. This difficulty or lack of protection would have a direct effect on the timber resource and a related effect on the other resources.

These estimates of reduced timber harvest are based on the application of the court's interpretation to new sales and do not assume a requirement to revise sales presently under contract. If present contracts had to be revised, it would almost completely stop harvest from the National Forest System until contracts were revised or new sales developed, and the Government would face the possibility of major lawsuits based on breach of contract arguments.

Wildlife and Fish Resource

The effects of the court's interpretation on wildlife in the next several decades would be quite prominent. The reduction in the volume of timber harvested from the National Forests and related shift in cutting systems would result in a major decrease in wildlife numbers for those species that are dependent upon forest openings and early stages of forest succession, such as the white-tailed deer, quail, and many song birds. The change would enhance species dependent upon mature stands of trees, such as squirrels. The major loss in wildlife management terms would be the loss in flexibility to prescribe the management system most appropriate for a given area to meet the needs of specific wildlife species. We do not anticipate a significant impact on the fishery resource as a result of the court's interpretation.

Range Resource

The court's interpretation would affect the range resource because timber stand improvement and harvest activities, which would be restricted, normally contribute to increases in forage production. The opportunities to increase grazing on forested ranges in the East as part of the recommended Renewable Resource Program would be largely lost.

Recreation Resource

The quantity of recreation opportunities under the court's interpretation are not expected to change from current projected levels. The quality of the various forms of recreation experience could change depending on whether the roading system or frequency of its use changed. Some short term gain in esthetics would result, but visual diversity would be reduced. Effects on wildlife would affect recreational viewing and hunting. Designated wilderness would not be directly affected by the court's interpretation, except as the interpretation affects the protection of the adjacent lands from fire, insects, and diseases. The competition between the wilderness resource and the timber resource on undeveloped lands would likely increase because of the demand for wood products.

Land and Water Resources

The primary effect on the land and water resources would be the loss of flexibility to manage the vegetative cover to meet specified land or water objectives. As previously indicated, wildfire and insect and disease protection would be more difficult. We have assumed that a similar ultimate road system would be needed under either present programs or under the court's interpretation.

We have not discussed all the effects of the court's interpretation on the various resources. It is clear that a constraint on one aspect of vegetative management has related effects on all other aspects.

In addition to the direct impacts of the court's interpretation on the National Forest System land management opportunities, there are major secondary effects on the cost of National Forest System administration, on private lands, and on prices.

Cost of Administration Per Unit Output

Although the volume of timber harvested annually from the National Forest System would decrease to 50 percent, we estimate that

the total cost of administration would remain about the same, thus cost per unit doubles. This increase in unit cost results from the requirement for a similar road system under both the present management approach and the court's interpretation. More acres of land would be involved to produce the same volume of timber. Brush disposal would be more expensive, and the requirement to individually mark all trees would increase costs. In addition to an estimated doubling of cost per unit output, the cost of protection of the forest from wildfire and insects and diseases would increase.

Effects on Private Lands

With the estimated 50-percent reduction in timber supply from the National Forests, private nonindustrial forest lands would have to be the primary domestic source for filling this gap to meet timber demands. It is difficult to predict accurately the size and location of this shift. Regional variations in forest land ownership patterns would influence the ability of forest industries to purchase timber from private lands. For example, only 23 percent of commercial forest land in the Pacific Coast States is in private nonindustrial forest ownership. Nationwide, 59 percent is in this class. Shifts to privately-owned timber would also be governed by forest industry purchases from non-domestic sources, particularly Canadian. It is expected that forest industry relocation from the West to the South would accelerate beyond that currently taking place. The southern forests, comprised primarily of nonindustrial ownerships, would provide an increasing share of the Nation's wood demand.

A substantial increase in timber prices would likely occur in association with this shift to private lands. The magnitude of this increase is difficult to predict. Price would probably rise rapidly and then drop somewhat as supply and demand balanced. Price increases would lead directly to increased harvesting on private nonindustrial forest lands.

Cutting of mature stands on private lands would be accelerated and early cutting of young, rapidly growing stands probably would also be accelerated to some extent. Although the higher prices for private timber would result in some increased investment in timber production, it is not known whether such response would be sufficient to increase the growth enough to offset the accelerated harvest and avoid excessive liquidation of current inventories. It is unlikely to be sufficient to do so, since we do know that many nonindustrial private land-owners have limited ability and willingness to invest in regeneration of harvested woodlands due to a lack of resources and an unwillingness to wait out the long timber production period for returns on their investment.

We are concerned that a large part of the accelerated harvest would take place without the benefit of technical assistance, from either public or private sources. Recent research in the South has shown that nearly three-fifths of the desirable pine forests on nonindustrial forest lands have not been adequately regenerated following harvesting and are converting to lower grade species.

Impacts on the Economy

On a nationwide basis, National Forests are most important as a source of softwood sawtimber, the raw material base for softwood

lumber and plywood. Forest Service lands currently account for nearly one quarter of the softwood sawtimber harvest and contain about 50 percent of the Nation's inventory of this raw material.

A reduction in softwood timber output from National Forests will be quickly felt in the Nation's softwood sawlog markets. At current production levels, a 30 percent reduction in harvest from the National Forests would immediately result in about a 6 percent reduction in national softwood sawtimber supply. A 50 percent reduction would result in about a 10 percent immediate reduction in total supply. In a relatively short time, we estimate that supplies from other sources would rise and offset about half the initial reduction in national supplies.

A reduction in the amount of timber products offered to consumers would quickly result in increased prices. A number of studies and historical experience indicate that market prices of the major timber products are quite responsive to changes in quantities supplied to the market. Our preliminary estimate indicates that a 50 percent reduction in available Forest Service softwood timber would result in more than a 15 percent increase in wholesale lumber prices and a larger increase in wholesale plywood prices for the period 1980-1990. The immediate impact on lumber and plywood prices could even exceed the above projections. The impact of a shortage in supply would be particularly critical if it occurred at a time when the housing market was expanding.

In addition to these national impacts, a major reduction in the supply of softwood sawtimber from the National Forests would have a severe impact on certain local economies. Many areas in the West are dependent on the National Forests for a major part of their supply of raw material. A loss or major reduction in supply would likely force certain mills out of business with accompanying impacts on employment and community stability. Although National Forests supply less than 5 percent of the total hardwood sawtimber, a loss or major reduction in supply would also have a severe impact on local dependent industries and the related communities.

To the extent that the reduction in National Forest harvest leads to substitution by imports or by materials with less labor-intensive production processes, there would be a reduction in employment opportunities which would add to the current national long-term unemployment problem.

U.S. DEPARTMENT OF AGRICULTURE SUPPLEMENTAL STATEMENT

SUMMARY ANALYSIS OF THE IMPACTS OF S. 2926

S. 2926 would impose major limitations on the multiple use management of the National Forest System. Although its stated purpose is to provide for sound forest management practices consistent with the principles of multiple use and sustained yield, it in fact provides serious constraints on multiple use forestry by requiring specific management prescriptions for certain areas of the country and particular species and resources. The constraints will so limit the flexibility of the land managers as to seriously reduce the capacity of the National

Forest System to provide sufficient goods and services to meet national needs, and will prevent a national perspective for management. The processes set forth in the Forest and Rangeland Renewable Resources Planning Act of 1974 would be severely restricted or negated.

A number of the limitations imposed by S. 2926, such as those pertaining to pesticides, soil resources, and fish and wildlife, would apply to the entire National Forest System. Other limitations would apply only to areas where timber management would be practiced (commercial forest land). Limitations here reduce the capacity of those lands to provide multiple uses and benefits by restricting the sale of forest products which is presently a principal tool for vegetative management to provide multiple resource benefits. These restrictions take two forms: (1) Reducing the land available for timber management (commercial forest land base). (2) Limitations on management practices.

In addition to the major impact on other resources, there is an estimated 50 percent reduction of timber yield. About half of this results from a reduction in the commercial forest land base. The other half is the result of the constraints on management techniques. When taken separately many of these limitations and constraints could result in reductions of 30 to 50 percent, however, to some degree the individual impacts overlap. Therefore, the overall reduction, which is a composite, is estimated at 50 percent.

Although section 2 discusses the need to solve certain problems in National Forest management which exist as a result of the judicial interpretation of the Organic Act of 1897 (Monongahela decision), the remainder of the bill in fact creates a series of ambiguities which would create new problems of even greater long-term significance.

In section 3, the definitions either differ from the nationally accepted definitions of the Society of American Foresters or are so imprecise or impractical as to raise serious questions as to implementation. For example, the term "mature" overlooks the variation in maturity between various tree species and the stand that they occupy. Forestry planning is conducted on a stand or forest area basis. The definition for improvement cutting does not indicate whether improvement cutting for purposes other than timber management is included. The thinning definition apparently does not consider the advantages of changing species for multiple resource benefits and improving crop tree quality.

Section 4 would require promulgation of standards which alone would reduce the commercial forest land base in the National Forest System by an estimated one-third. These standards would prohibit timber management activities on lands involving more than a modest reinvestment, wetlands, or lands where important nontimber resources exist even though impacts could be mitigated. This would significantly reduce the harvest potential and the area where timber management techniques can be used to produce or enhance other resources. Many of the requirements are ambiguous and, therefore, protracted litigation would likely be necessary before final determinations could be made as to the extent of operable National Forest land.

Decisions under section 5 regarding quality and quantity of timber produced and the flow to the market in terms of sustained yield would

be based on new and much smaller management units, and on maintenance of large inventories of old growth timber. Taken alone this section could require a reduction in potential timber yield of an estimated 40-50 percent. Local effect could be much more severe and could result in major dislocation of some sawmills and plywood plants with major impacts on some communities. In some areas a viable forest industry could not be maintained because of the irregular supply of timber.

Utilization standards would be based on tree species rather than the present practice of the economic utility of the wood involved. This is an impractical approach that could not be sensitive to market conditions. Increased costs could be expected to result.

New limitations on management methods conflict with physiological characteristics and management needs of American forests by lengthening the timber sale process and prohibiting domination of any single silvicultural system and restricting certain types of cutting and management activities. The consequences are inflexibility of management leading to reduced capacity to meet national needs for the various resources such as wildlife, forage, and timber.

Restrictions on the use of certain chemicals such as chlorinated hydrocarbons, will generate major problems in controlling insect damage. For example, Lindane is the only chemical, other than hazardous fumigants, which is effective against wood-boring insects which attack pines and hardwoods. This could lead to serious losses in both Federal and adjacent private timber stands. Over the long-term it would conflict with the purpose of the bill.

Protection of the "integrity" of the soil in all National Forest operations would apparently amend the 1872 mining law by prohibiting mining activities which failed to provide such protection.

Some of the specific management restrictions set forth in section 14, Fish and Wildlife Resources, would conflict with the general purpose of the bill. From a total fish management standpoint these restrictions could eliminate certain accepted practices such as some fish planting of non-native fish and renovation of certain streams. The prohibition against significant loss of habitat would be counterproductive to the maintenance of specific plants and animals, and would lead to continual litigation.

Management plan guidelines conflict with the Forest and Rangeland Renewable Resources Planning Act of 1974. Priority is given to timber which conflicts with the multiple objectives of the Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215). Conflicts would also seem to exist with the planning process required by the National Environmental Policy Act of 1969 (83 Stat. 852) by eliminating the consideration of sound alternatives, and by expanding on that Act to require that certain specific disciplines review all timber sales. This would needlessly increase timber sale preparation costs in low impact areas. Replanning the entire National Forest System is essentially required. This would be a staggering job, would duplicate hundreds of thousands of man-hours of planning already completed and in the short-run drastically reduce the supply of timber available for market.

Requirements for a cost accounting system fail to recognize that individual timber sales do not remain as a specific identifiable unit

over the long run, and therefore, do not offer a constant base for cost accounting. Further, it is not practical to obtain accurate indirect costs as required. The objective should be to relate expected value to investment at the time investment is made rather than arbitrary record-keeping on costs. The requirements for approval of the cost accounting system by Congress present additional requirements beyond those imposed by Congress' General Accounting Office.

Section 17 provides that a State or local government may elect to receive 75 cents per acre in lieu of the 25 percent funds and certain other payments specified by law. However, this new authority for payments to States and local governments would not be in lieu of some payments made under existing law since payments made to States under the Mineral Lands Leasing Act (30 U.S.C. 191) are not included in subsection (d). Additional payments would also exist in three counties in Minnesota where special authority is provided by the Act of June 22, 1948. Also, the authority to decide which payment to receive would vary due to existing law which could tend to thwart the intent of the new authority. For example, on National Grasslands, counties would make the decision, while on National Forests, States would have the authority. Thus, a State decision which would bring a State-wide increase could result in decreases for certain counties. Under 1975 conditions, payments, and resultant cost of the Treasury, would double under S. 2926 if National Forest System receipts would be authorized for the 75 cent payments. The bill is silent on such authorization. Since National Forest receipts would be reduced approximately 50 percent by other provisions of the bill, and payments to State and local governments would approximate 50 percent of present receipts, the net result would be to essentially eliminate any National Forest System receipts going into the Treasury. Present law requires that 25 percent funds be spent for roads and schools. S. 2926 has no such requirement. Therefore, a change from the intent of existing law might result. In view of these ramifications and the lack of any assurance that the proposed system would not create inequities more serious than presently exist, a thorough study should be completed before any new system is adopted.

We strongly recommend that S. 2926 not be enacted because of the major limitations it would impose on the sound management of the National Forest System for its multiple resource benefits.

The impacts on cost of administration per unit output, the effects on private lands, and the impact on the economy are similar to those estimated under the court's interpretation of the Organic Act since both would result in a 50 percent reduction in timber harvest from the National Forests. The cost of administration per unit of output of sawtimber would increase nearly twofold, intense competition and increased harvest would occur on private lands, and the price of wood products would increase. There would be a serious reduction in capacity to provide other resource goods and services which would be a greater impact than under the court's interpretation of the Organic Act, and National Forest System receipts to the Treasury would essentially be eliminated.

COST ESTIMATE

I.

In accordance with section 252 of the Legislative Reorganization Act of 1970, the following is the Committee's estimate of the costs which would be incurred in carrying out the provisions of S. 3091:

(In millions of dollars)

	Fiscal year 1976	Transi- tion quarter	1977	1978	1979	1980	1981
Fiber assessment report (sec. 3).....	0	0	0.5	0.5	0.5	0.5	0.5
Advisory boards (sec. 11).....	0	0	1.5	1.5	1.5	1.5	1.5
Payments to States (sec. 16).....	0	68.1	19.9	62.7	52.0	47.5	43.0
Total Federal cost.....	0	68.1	21.9	64.7	54.0	49.5	45.0

¹If the bill is not enacted prior to Oct. 1, 1976, there would be no increase in Federal costs during the transition quarter

The Committee's estimate is based on the cost estimate supplied by the Congressional Budget Office pursuant to the Congressional Budget Act of 1974, and data supplied by the Department of Agriculture.

Beyond the question of cost impact of S. 3091, there is a potential cost if this bill is not enacted. The Department of Agriculture has estimated that under current legislation the loss of timber revenues by 1980 could amount to some \$350 million a year.

The Committee did not receive any official cost estimate from the Department of Agriculture.

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

1. *Bill number.*—S. 3091.
2. *Bill title.*—National Forest Management Act of 1976.
3. *Purpose of bill.*—This bill amends the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Act of June 4, 1897. Public participation in the planning process is required; each national forest must have an advisory board. Limitations on timber sales contained in the 1897 Act are removed. Reports on additional fiber potential in the National Forest System are mandated. Finally, changes are made in the timber receipts payment formula to states.
4. *Cost estimate.*—

(Costs in millions)

Transition quarter.....	68.1
1977.....	21.9
1978.....	64.7
1979.....	54.0
1980.....	49.5
1981.....	45.0

5. *Basis of estimate.*—There are three aspects of this legislation which will generate additional cost. Each is discussed below, along with another section which could prevent a significant revenue loss. The reports on additional fiber potential in the National Forest System will require a substantial research effort. The Department of Agriculture estimates an annual cost of \$500,000.

Establishing advisory boards for all 155 national forests, as well as at the regional level, entails additional costs. The Department of Agriculture projects annual expenses of \$1.5 million annually. This analysis assumes that these expenses, as well as the fiber study costs, commence in fiscal year 1977.

II.

CONGRESS OF THE UNITED STATES,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 14, 1976.

HON. HERMAN E. TALMADGE,
*Chairman, Committee on Agriculture and Forestry, Russell Senate
Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 3091, National Forest Management Act of 1976.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

The major cost item in this legislation is the change in the timber receipts payment formula to states. Presently, states receive 25 percent of federal timber receipts after road construction and reforestation costs are deducted from the receipt total. This legislation eliminates these deductions and pays states 25 percent of gross receipts. Payments are made in the fiscal year after the timber receipts are collected. Therefore, costs in the transition quarter reflect receipts in fiscal year 1976, and fiscal year 1977 costs are based upon receipts during the transition quarter. Based upon projected road construction and reforestation costs, the Department of Agriculture estimates the following annual costs:

[Costs in millions]

Transition quarter.....	\$68.1
Fiscal year 1977.....	19.9
Fiscal year 1978.....	62.7
Fiscal year 1979.....	52.0
Fiscal year 1980.....	47.5
Fiscal year 1981.....	43.0

The amount is decreasing over time because of a change in the financing of road construction costs. Instead of deductions from timber receipts, separate appropriations for these costs are being made more frequently. Thus, in succeeding years, less deductions from gross timber receipts will be made.

Finally, the amendment removing certain limitations in the 1897 Act could have important implications for federal revenue from timber receipts. Recent court decisions have interpreted the 1897 Act to preclude sale of trees that are not dead, physiologically mature, or large.

This interpretation prohibits the use of scientifically accepted forestry methods. The Forest Service projects that application of such strict procedures nationwide could reduce timber receipts by 50 percent. Fiscal year 1977 federal revenues from timber receipts are projected to be more than \$400 million.

6. *Estimate comparison.*—None.

7. *Previous CBO estimate.*—None.

8. *Estimate prepared by.*—Leo J. Corbett (225-5275).

9. *Estimate approved by.*—R. Scheppach for James L. Blum, Assistant Director for Budget Analysis.

ROLLCALL VOTES

In accordance with section 133 of the Legislative Reorganization Act of 1946, as amended, it is announced that—

(1) A motion to adopt as finding number (5) of new section 2 of the Forest and Rangeland Renewable Resources Planning Act of 1974, the following:

(5) since a large part of America's forests and rangeland is in private and in State and local governmental ownership so that the Nation's capacity to produce goods and services is significantly based on these nonfederally managed resources and since the Forest Service has responsibilities related thereto, the Federal Government should be 'a catalyst' to encourage and assist these owners in the efficient long-term use and improvement of these lands and their renewable resources consistent with the principles of sustained yield and multiple use; and

was defeated on a vote of 4 to 7, as follows:

Yeas: Senators Dole (by proxy), Curtis (by proxy), Bellmon (by proxy), and Helms.

Nays: Senators Eastland (by proxy), McGovern (by proxy), Allen (by proxy), Humphrey, Huddleston, Stone, and Leahy.

(2) A motion to adopt, as subsection (d) (6) (H) (iii) of redesignated section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, the following:

Identify the relative productivity of land for resource production and conservation and assure, insofar as possible, that a favorable cost-benefit relationship is achieved through prudent investment.

was defeated by a vote of 5 to 8, as follows:

Yeas: Senators Dole (by proxy), Young (by proxy), Curtis (by proxy), Bellmon, and Helms.

Nays: Senators Eastland (by proxy), McGovern (by proxy), Allen (by proxy), Humphrey (by proxy), Huddleston, Stone (by proxy), Leahy, and Talmadge.

(3) A motion to retain the proviso in section 4 of Act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 535), was defeated by a vote of 5 to 5, as follows:

Yeas: Senators Dole (by proxy), Young (by proxy), Curtis (by proxy), Bellmon (by proxy), and Helms.

Nays: Senators Eastland (by proxy), Allen, Huddleston (by proxy), Stone, and Talmadge.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974

* * * * *

SEC. 2. FINDINGS.—*The Congress finds that—*

(1) *the management of the Nation's renewable resources is highly complex and the uses, demand for, and supply of the various resources are subject to change over time;*

(2) *the public interest is served by the Forest Service, Department of Agriculture, in cooperation with other agencies, assessing the Nation's renewable resources, and developing and preparing a national renewable resource program, which is periodically reviewed and updated;*

(3) *to serve the national interest the renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangeland, thorough analysis of environmental and economic impacts, coordination of multiple use and sustained yield opportunities as provided in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531), and public participation in the development of the program;*

(4) *the new knowledge derived from coordinated public and private research programs will promote a sound technical and ecological base for effective management, use, and protection of the Nation's renewable resources;*

(5) *inasmuch as the majority of the Nation's forests and rangeland is under private, State, and local governmental management and the Nation's major capacity to produce goods and services is based on these nonfederally managed renewable resources, the Federal Government should be a catalyst to encourage and assist these owners in the efficient long-term use and improvement of these lands and their renewable resources consistent with the principles of sustained yield and multiple use;*

(6) *the Forest Service, by virtue of its statutory authority for management of the National Forest System, research and cooperative programs, and its role as an agency in the Department of Agriculture, has both a responsibility and an opportunity to be a leader in assuring that the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity; and*

(62)

(7) *recycled timber product materials are as much a part of our renewable forest resources as are the trees from which they originally came, and in order to extend our timber and timber fiber resources and reduce pressures for timber production from Federal lands, the Forest Service should expand its research in the use of recycled and waste timber product materials, develop techniques for the substitution of these secondary materials for primary materials, and promote and encourage the use of recycled timber product materials.*

SEC. [2.] 3. RENEWABLE RESOURCE ASSESSMENT.—(a) In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Renewable Resource Assessment (hereinafter called the "Assessment"). The Assessment shall be prepared not later than December 31, 1975, and shall be updated during 1979 and each tenth year thereafter, and shall include but not be limited to—

(1) an analysis of present and anticipated uses, demand for, and supply of the renewable resources, with consideration of the international resource situation, and an emphasis of pertinent supply and demand and price relationship trends;

(2) an inventory, based on information developed by the Forest Service and other Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities; and

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands.

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the forest and range lands of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may

determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated not to exceed \$20,000,000 in any fiscal year to carry out the purposes of this section."

(c) (1) *The Secretary of Agriculture shall report in the 1980 and subsequent Assessments on the additional fiber potential in the National Forest System. The report shall include, but not be restricted to, forest mortality, growth, salvage potential, potential increased forest products sales, economic constraints, alternate markets, contract considerations, and other multiple-use considerations.*

(2) *In developing the report, the Secretary shall provide opportunity for public input, and shall consult with other interested governmental departments and agencies.*

SEC. [3.] 4. RENEWABLE RESOURCE PROGRAM.—In order to provide for periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private Forest Service programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture, utilizing information available to the Forest Service and other agencies within the Department of Agriculture, including data prepared pursuant to section 302 of the Rural Development Act of 1972, shall prepare and transmit to the President a recommended Renewable Resource Program (hereinafter called the "Program"). The Program transmitted to the President may include alternatives, and shall provide in appropriate detail for protection, management, and development of the National Forest System, including forest development roads and trails; for cooperative Forest Service programs; and for research. The Program shall be developed in accordance with principles set forth in the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531), and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321-4347). The Program shall be prepared not later than December 31, 1975, to cover the four-year period beginning October 1, 1976, and at least each of the four fiscal decades next following such period, and shall be updated no later than during the first half of the fiscal year ending September 30, 1980, and the first half of each fifth fiscal year thereafter to cover at least each of the four fiscal decades beginning next after such updating. The Program shall include, but not be limited to—

(1) an inventory of specific needs and opportunities for both public and private program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature;

(2) specific identification of Program outputs, results anticipated, and benefits associated with investments in such a manner that the anticipated costs can be directly compared with the total related benefits and direct and indirect returns to the Federal Government;

(3) a discussion of priorities for accomplishment of inventoried Program opportunities, with specified costs, outputs, results, and benefits; [and]

(4) a detailed study of personnel requirements as needed to satisfy existing and ongoing programs[.]; and

(5) *Program recommendations which—*

(A) *evaluate objectives for the major Forest Service programs in order that multiple-use and sustained-yield relationships among and within the renewable resources can be determined;*

(B) *explain the opportunities for owners of forests and rangeland to participate in programs to improve and enhance the condition of the land and the renewable resource products therefrom;*

(C) *recognize the fundamental need to protect and, where appropriate, improve the quality of soil, water, and air resources; and*

(D) *state national goals that recognize the interrelationships between and interdependence within the renewable resources.*

SEC. [4.] 5. NATIONAL FOREST SYSTEM RESOURCE INVENTORIES.—As a part of the Assessment, the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System lands and renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

SEC. [5.] 6. NATIONAL FOREST SYSTEM RESOURCE PLANNING.—(a) As a part of the Program provided for by [section 3] section 4 of this Act, the Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

(b) In the development and maintenance of land management plans for use on units of the National Forest System, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

(c) *The Secretary shall provide for public participation in the development, review, and revision of land management plans.*

(d) *Within two years after enactment of this subsection the Secretary shall, in accordance with the procedures set forth in section 553 of title 5, United States Code, promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960, that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection. The regulations shall include, but not be limited to—*

(1) *specifying how the interdisciplinary approach, as required by subsection (b) of this section, will be implemented;*

(2) *specifying the type or types of plans that will be prepared and the relationship of those plans to the Program developed pursuant to section 4;*

(3) *specifying procedures to insure public participation, as required in subsection (c) of this section;*

(4) *specifying procedures to insure that plans are prepared in accordance with the National Environmental Policy Act of 1969, including, but not limited to, the preparation of an environmental impact statement required under section 102(2)(C) of that Act;*

(5) *specifying guidelines which—*

(A) require the identification of the suitability of lands for resource management;

(B) provide for obtaining inventory data on the various renewable resources, and soil and water, including pertinent maps, graphic material, and explanatory aids; and

(C) provide for methods to identify special conditions or situations involving hazards to the various resources and their relationship to alternative activities;

(6) specifying guidelines for land management plans developed to achieve the goals of the Program which—

(A) insure consideration of the economic and environmental aspects of various systems of renewable resources management, including the related systems of silviculture and protection of forest resources, to provide for outdoor recreation (including wilderness), range, timber, watershed, wildlife and fish;

(B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives;

(C) recognize the requirements necessary to coordinate the uses on special or unique management areas;

(D) recognize the need for special provisions to protect soil, water, esthetic, and wildlife resources where conditions are critical for tree regeneration within a reasonable period of time either by natural or artificial means, or where the size of a timber sale, cutting areas, or stand size and species composition are critical in terms of multiple-use impacts;

(E) specify how the interdisciplinary approach, as required by subsection (b) of this section, will be implemented, including the manner in which the expertise of affected State agencies will be obtained and used in the preparation of land management plans;

(F) prescribe, according to geographic area, forest types, or other suitable classifications, appropriate systems of silviculture which include, but are not restricted to, thinnings, harvesting of trees and products, regeneration, and other treatment methods;

(G) insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system in use or proposed for use; and provide for the modification or discontinuation of a management system or method when research or evaluation establishes that a management system or method is producing impairment of the productivity of the land;

(H) (i) provide that the amount of timber to be harvested from any National Forest System lands shall be determined only through the process of preparing land management plans;

(ii) provide that the allowable harvests on National Forest System lands shall be based only on lands available and suitable for timber production, and the harvest levels are reviewed and adjusted periodically;

(iii) identify the relative productivity of land for timber production and assure that timber production is not a man-

agement goal on lands where the estimated cost of production will exceed estimated economic return: Provided, That the estimated cost of production will include only direct timber production costs and not access, protection, revegetation and administration costs for multiple-use purposes; and

(iv) provide that increases in allowable harvests based on intensified management practices such as reforestation, thinnings, or tree improvement, shall be made only upon demonstration that such practices justify increased allowable harvests, and that the outputs projected are being secured;

(I) insure that timber will be harvested from National Forest System lands only where—

(i) soil, slope, or other watershed conditions will not be irreversibly damaged;

(ii) there is assurance that such lands can be adequately restocked within five years after harvest; and

(iii) protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests could seriously and adversely affect water conditions or fish habitat; and

(J) insure that clearcutting (including seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber) will be used as a cutting method on National Forest System lands only where—

(i) it is determined to be the optimum method to meet the objectives and requirements of the relevant land management plan;

(ii) the interdisciplinary review has been completed and the potential environmental, biological, esthetic, engineering, and economic impacts on each sale area have been assessed, as well as the impact of the sale on non-timber resources and the consistency of the sale with the multiple use of the general area;

(iii) clearcut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain;

(iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be clearcut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: Provided, That such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and

(v) such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource; and

(7) specifying guidelines to be followed in the preparation and revision of resource plans using an interdisciplinary review.

(c) (1) In carrying out the purposes of subsection (d) of this section, the Secretary of Agriculture shall appoint a committee of scientists who are not officers or employees of the Forest Service. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate upon promulgation of the regulations, but the Secretary may, from time to time, appoint similar committees when considering revision of the regulations. The views of the committees shall be included in the public information supplied when the regulations are proposed for adoption.

(2) Clerical and technical assistance, as may be necessary to discharge the duties of the committee, shall be provided from the personnel of the Department of Agriculture.

(3) While attending meetings of the committee, the members shall be entitled to receive compensation at a rate of \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans. Those resource plans and permits, contracts, and other such instruments currently in existence shall be revised as soon as practicable to be made consistent with such plans. When land management plans are revised, resource plans and permits, contracts, and other instruments, when necessary, shall be revised as soon as practicable. Any revision in permits, contracts, and other instruments made pursuant to this section shall be subject to valid existing rights.

(g) Land management plans and revisions shall become effective thirty days after completion of public participation and publication of notification by the Secretary as required under section 6(c) of this Act.

(h) The Secretary shall, within one hundred and twenty days after the enactment of section 6(d) of this Act, adopt interim procedures to guide the land management planning process. Prior to the promulgation of the regulations required by section 6(d), management of National Forest System lands shall be in accordance with existing regulations and the interim guidelines when adopted. When necessary, land management plans will be revised as soon as practicable to be in accord with the guidelines specified in section 6(d).

SEC. [6.]7. COOPERATION IN RESOURCE PLANNING.—The Secretary of Agriculture may utilize the Assessment, resource surveys, and Program prepared pursuant to this Act to assist States and other organizations in proposing the planning for the protection, use, and management of renewable resources on non-Federal land.

SEC. [7.] 8. NATIONAL PARTICIPATION.—(a) On the date Congress first convenes in 1976 and thereafter following each updating of the Assessment and the Program, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, when Congress convenes, the Assessment as set forth in [section

2] section 3 of this Act and the Program as set forth in [section 3] section 4 of this Act, together with a detailed Statement of Policy intended to be used in framing budget requests by that Administration for Forest Service activities for the five- or ten-year program period beginning during the term of such Congress for such further action deemed appropriate by the Congress. Following the transmission of such Assessment, Program, and Statement of Policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such Statement of Policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of [sixty] ninety calendar days of continuous session of Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such Assessment, Program, and Statement of Policy, either House adopts a resolution reported by the appropriate committee of jurisdiction disapproving the Statement of Policy. For the purpose of this subsection, the continuity of a session shall be deemed to be broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the [sixty-day period.] ninety-day period. Notwithstanding any other provision of this Act, Congress may revise or modify the Statement of Policy transmitted by the President, and the revised or modified Statement of Policy shall be used in framing budget requests.

(b) Commencing with the fiscal budget for the year ending September 30, 1977, requests presented by the President to the Congress governing Forest Service activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under the budget meet the policies approved by the Congress in accordance with subsection (a) of this section. In any case in which such budget so presented recommends a course which fails to meet the policies so established, the President shall specifically set forth the reason or reasons for requesting the Congress to approve the lesser programs or policies presented [.] and the Director of the Office of Management and Budget shall appear before the Committee on Agriculture and Forestry, the Committee on Interior and Insular Affairs, and the Committee on Public Works of the Senate, and the Committee on Agriculture, the Committee on Interior and Insular Affairs, and the Committee on Public Works and Transportation of the House of Representatives to explain the failure to request a budget to meet the policies approved by the Congress. Amounts appropriated to carry out the policies approved in accordance with subsection (a) of this section shall be expended in accordance with the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344.

(c) For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary of Agriculture shall prepare an annual report which evaluates the component elements of the Program required to be prepared by [section 3] section 4 of this Act which shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the third fiscal year after the enactment of this Act.

(d) These annual evaluation reports shall set forth progress in implementing the Program required to be prepared by [section 3] section 4 of this Act, together with accomplishments of the Program as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The report shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. Program benefits shall include, but not be limited to, environmental quality factors such as esthetics, public access, wildlife habitat, recreational and wilderness use, and economic factors such as the excess of cost savings over the value of foregone benefits and the rate of return on renewable resources.

(e) The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(f) The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

SEC. [8.] 9. NATIONAL FOREST SYSTEM PROGRAM ELEMENTS.—The Secretary of Agriculture shall take such action as will assure that the development and administration of the renewable resources of the National Forest System are in full accord with the concepts for multiple use and sustained yield of products and services as set forth in the Multiple-Use Sustained-Yield Act of 1960. To further these concepts, the Congress hereby sets the year 2000 as the target year when the renewable resources of the National Forest System shall be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive multiple-use sustained-yield management procedures shall be installed and operating on an environmentally-sound basis. The annual budget shall contain requests for funds for an orderly program to eliminate such backlogs: *Provided*, That when the Secretary finds that (1) the backlog of areas that will benefit by such treatment has been eliminated, (2) the cost of treating the remainder of such area exceeds the economic and environmental benefits to be secured from their treatment, or (3) the total supplies of the renewable resources of the United States are adequate to meet the future needs of the American people, the budget request for these elements of restoration may be adjusted accordingly. *On any forest or rangeland in the National Forest System where vegetative cover has been removed by man or natural causes, the Secretary of Agriculture, within a five-year period after such removal, shall report in writing to Congress either the amount of funds necessary to properly restore useful vegetative cover or that such lands are not in need of revegetation, except that areas which are to be used for specific purposes, such as rights-of-way, campgrounds, and reservoirs, or areas where permits or other provisions are made to assure revegetation shall be excluded from the requirements of this sentence.*

SEC. [9.] 10. TRANSPORTATION SYSTEM. (a) The Congress declares that the installation of a proper system of transportation to service the National Forest System, as is provided for in Public Law 88-657, the Act of October 13, 1964 (16 U.S.C. 532-538), shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction

and maintenance of the transportation system should be such as to enhance local, regional, and national benefits, except that the financing of forest development roads as authorized by clause (2) of section 4 of the Act of October 13, 1964, shall be deemed "budget authority" and "budget outlays" as those terms are defined in section 3(a) of the Congressional Budget and Impoundment Control Act of 1974 and shall be effective for any fiscal year only in the manner required for new spending authority as specified by section 401(a) of that Act.

(b) *Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber contract or other permit or lease shall be designed with the goal of reestablishing vegetative cover on the roadway and areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System.*

(c) *Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources.*

SEC. [10.] 11. (a) NATIONAL FOREST SYSTEM DEFINED.—Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The "National Forest System" shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-1012), and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system. *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), or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress.*

(b) The on-the-ground field officers, field supervisory offices, and regional offices of the Forest Service shall be so situated as to provide the optimum level of convenient, useful services to the public, giving priority to the maintenance and location of facilities in rural areas and towns near the national forest and Forest Service program locations in accordance with the standards in section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended.

SEC. [11.] 12. RENEWABLE RESOURCES.—In carrying out this Act, the Secretary of Agriculture shall utilize information and data available from other Federal, State, and private organizations and shall avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies. The term "renewable resources"

shall be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service on the date of this Act [.] and on the date of enactment of any legislation amendatory or supplementary thereto.

SEC. 13. LIMITATIONS ON TIMBER REMOVAL.—(a) The Secretary of Agriculture 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. However, the Secretary may exceed the quantity sales limitation from time to time in the case of any forest so long as the average sales of timber from such forest over any ten-year period 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) Nothing in subsection (a) of this section shall prohibit the Secretary from salvaging timber stands which are substantially damaged by fire, windthrow, or other catastrophe.

SEC. 14. PUBLIC PARTICIPATION AND ADVISORY BOARDS.—(a) In exercising his authorities under this Act 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) In providing for public participation in the planning for and management of the National Forest System, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) 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.

ACT OF JUNE 4, 1897, AS AMENDED

(Twelfth paragraph, Organic Administration Act of 1897, as amended)

* * * * *

[For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such forest reservations as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. Before such sale shall take place notice thereof shall be given by the Commissioner of the General

Land Office, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists: *Provided, however,* That in cases of unusual emergency the Secretary of the Interior may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further,* That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber, cordwood, and other forest products not exceeding \$2,000 in appraised value: *And provided further,* That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of the Interior, at not less than the appraised valuation, in quantities to suit purchasers: *And provided further,* That the provisions of this Act shall not apply to existing forest reservations in the State of California, or to reservations that may be hereafter created within said State. Before such sale shall take place, notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists; payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office, in a separate account, and shall be covered into the Treasury. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of the Interior, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Commissioner of the General Land Office and to the receiver in the land office in which such reservation shall be located of his doings in the premises.]

* * * * *

ACT OF MAY 23, 1908, AS AMENDED

* * * * *

That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools

and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this Act shall be based upon the stumpage value of the timber. *The term "moneys received" shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.*

* * * * *

ACT OF MARCH 1, 1911, AS AMENDED

(WEEKS LAW)

* * * * *

SEC. 13. That twenty-five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this Act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein *The term "moneys received" shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.*

KNUTSON-VANDENBERG ACT

(Act of June 9, 1930)

* * * * *

SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), [or] (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber [: *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.] , 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 forest habitat management.* Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest improvement work, as the Secretary of Agriculture 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 is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park.

MULTIPLE-USE SUSTAINED-YIELD ACT OF 1960

(Act of June 12, 1960)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of this Act are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 U.S.C. 475). Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be

construed so as to affect the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within national forests.

SEC. 2. The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom. In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas. The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this Act.

SEC. 3. In the effectuation of this Act the Secretary of Agriculture is authorized to cooperate with interested State and local governmental agencies and others in the development and management of the national forests.

SEC. 4. As used in this Act, the following terms shall have the following meanings:

(a) "Multiple use" means: The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

(b) "Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.

SEC. 5. *This Act may be cited as the "Multiple-Use Sustained-Yield Act".*

NATIONAL FORESTS ROADS AND TRAILS SYSTEM ACT

(Act of October 13, 1964)

* * * * *

SEC. 4. The Secretary is authorized to provide for the acquisition construction, and maintenance of forest development roads within and near the national forests and other lands administered by the Forest Service in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management thereof, and for utilization of the other resources thereof. Financing of such roads may be accomplished (1) by the Secretary utilizing appropriated funds, (2) by requirements on purchasers of national forest timber and other products, including

provisions for amortization of road costs in contracts, (3) by cooperative financing with other public agencies and with private agencies or persons, or (4) by a combination of these methods [*Provided*, That where roads of a higher standard than that needed in the harvesting and removal of the timber and other products covered by the particular sale are to be constructed, the purchaser of the national forest timber and other products shall not be required to bear that part of the costs necessary to meet such higher standard, and the Secretary is authorized to make such arrangements to this end as may be appropriate].

[APPENDIX]

ANALYSIS OF TIMBER GROWTH PATTERNS

[Prepared by Robert E. Wolf, Assistant Chief, Environment and Natural Resources Policy Division, Congressional Research Service, Library of Congress]

The forests of the United States are extremely heterogeneous in species composition and age classes. This is why forest managers face complex, on-the-ground considerations in selecting appropriate harvesting levels, rates, timing, and systems in order to achieve sustained yield management.

Time as a factor

The concept of sustained yield management is based on adopting growth cycles, for example, of 50 years, 100 years or 200 years, and the forest is managed so that relatively equal periodic harvests are made throughout the cycle. In those instances of a small ownership of 100 acres, 5 or 10 harvests may occur in a century. In larger properties, of perhaps 100,000 or 1,000,000 acres, harvests would be made annually on several parts of the ownership. The National Forest System is composed of these large management units and the Committee is therefore, dealing with the management of large areas.

In the United States, neither the natural forests nor the managed forests contain the combination of age classes or pattern of distribution that makes it simple to chart a regular annual harvest level, sustaining yields and multiple uses. The natural forest is seldom found this way and the managed forest has not existed long enough to contain these distributions.

Timber management systems

Forest management decisions are complicated by other considerations. For example, there are two basic forest management systems. In an even-aged system, the property is formed into a series of blocks, each of which contain trees of approximately the same decadal age. The total forest is all-aged, but the trees in any one block are essentially of one age. Conversely, the all-aged forest is one where the entire property is made up of stands with trees of many ages.

Another aspect which requires attention is the forest situation created for multiple-use management goals. This may require adjustments between composition of species, age distribution, or tree condition to achieve water, wildlife or wood goals.

Activities in the first rotation cycle must not only accommodate multiple-use and sustained-yield objectives, but also must assist the transition to the next cycle so that composition and distribution of species and age classes will not adversely affect management objectives.

Most National Forest management units are in their first rotation cycle and thus are not in the pattern proposed for long-term sustained-yield multiple-use management.

Roads, manpower, funding

Further complicating factors are the frequent absence of early construction of the planned basic road network which inhibits management flexibility, and funding levels and allocations. Still another consideration that must be taken into account in renewable resource management on forested land is site capability, which is a major determinant of growth capacity. Unless there is relatively even distribution throughout the forest of lands by site capability in age classes, future decadal yields will be affected.

Thus, even before one considers some of the economic and related ecological consequences of possible actions, the issue of regulation of yields requires consideration of a number of factors.

Sustained yield is a goal that is attained only by good, basic data, well planned actions and timely execution.

Forests vary widely

In many of the Eastern National Forests, for example, the lands were acquired in a cut-over condition following decades of abuse. Their composition is far different from the original cover, both in ecologic and economic utility. Soils are depleted, output levels are far below site potential, and species are ecologically inferior. The land manager faces the challenge of increasing these outputs and realizing the inherent potential of the land.

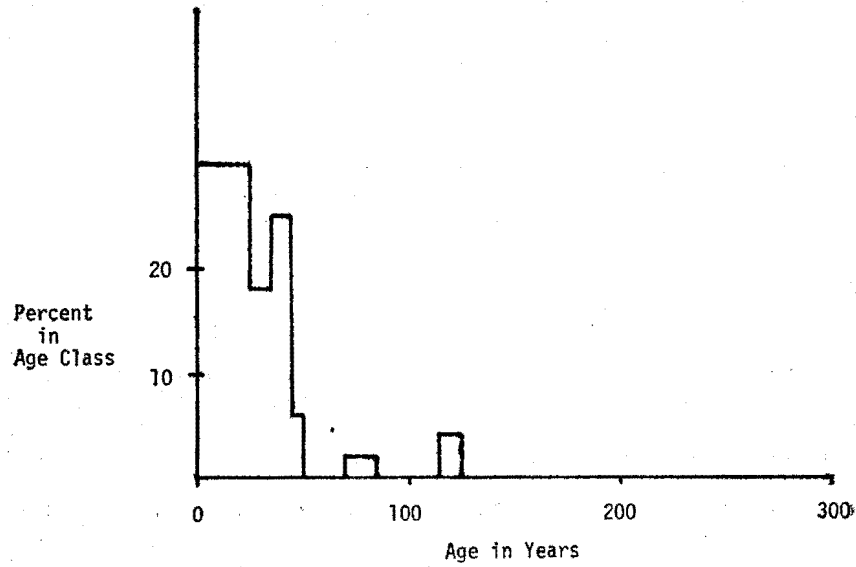
In contrast, in many of the Western National Forests, natural stands prevail. While in the main their condition and distribution and composition have been affected more by natural events than by man, there has already been sufficient intervention by man so that securing a sustained yield presents another set of complications. Some of these Western forests are immature, while others are in a state of decay. Conifers and single species are dominant. Insects, disease, fire, and natural mortality complicate management.

The managed forest concept is not based on growing the majority of trees to a state of physiological maturity. Forests management programs, in general, are conceived using management cycles that span one-half or less the time required to have a tree reach physiological maturity. But in this period with well executed choices overall, an increased yield of all benefits can be realized.

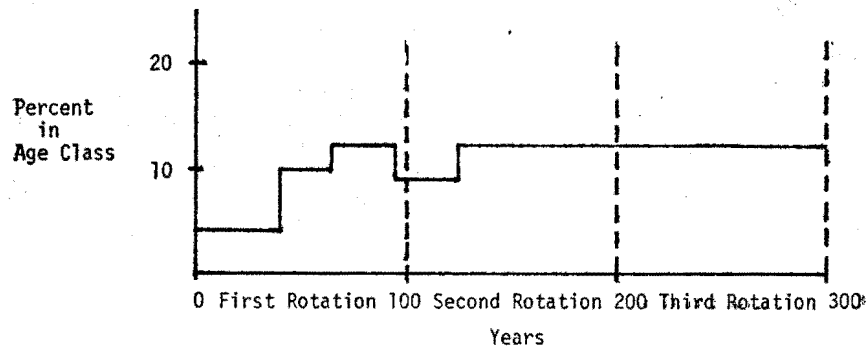
Opportunities to increase yields

East or west, north or south, there are a series of management options—planting genetically superior stock, thinnings, stand improvement, and intermediate cuttings—when applied wisely in the managed forest can increase yields of usable material in shorter cycles of management—enhance species and tree quality and enhance socially desirable and environmentally needed multiple-use benefits.

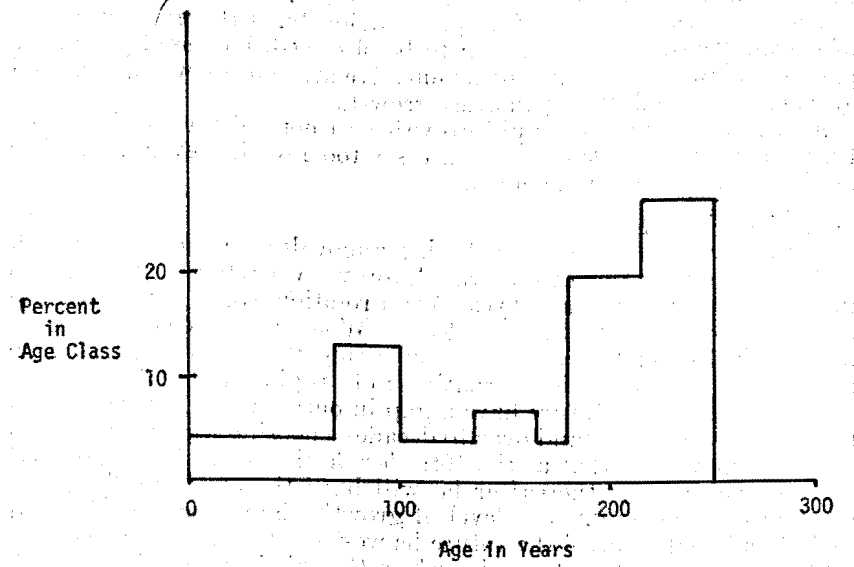
PRESENT:
A YOUNG UNMANAGED FOREST.



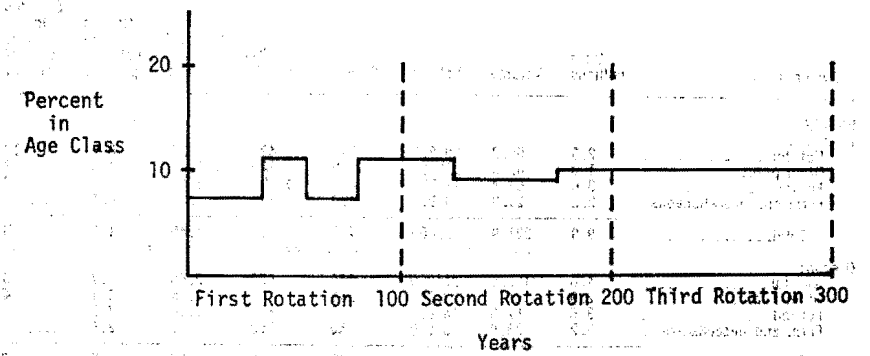
GOAL:
MANAGED FOREST WITH AN EVEN DISTRIBUTION
OF AGE CLASSES (EXAMPLE - 100 YEAR ROTATION)



PRESENT:
AN OLD UNMANAGED FOREST



GOAL:
MANAGED FOREST WITH AN EVEN DISTRIBUTION
OF AGE CLASSES (EXAMPLE - 100 YEAR ROTATION)



As the above graphs show, the shift from an unmanaged to a managed forest presents complex problems when the goal is a perpetual and continuous supply of timber. The difficulties are large, whether dealing with young or old, previously unmanaged forests.

The other issue is level of output. Obviously, if the first constraint of continuity of supply is going to be observed, increased yields are possible. However, the time of its effective attainment will be affected by when one can effectively increase growth.

An early bunching of rapid growth will not aid the continuity of future supply. If output levels are set too low, however, achieving feasible increases will be delayed.

Supply continuity

In practical terms over time, timber removals cannot exceed growth and sustain a high rate of removal. A forest owner starting with a zero inventory who planned a 100 year forest rotation would not harvest the first finished crop until the 10th decade. Where an owner has an existing stand of older timber and is converting the forest to a 100 year rotation, he has two basic alternatives: (1) rapidly liquidate the present stand but in the future have a gap in output; or (2) plan the removal of the present stand over 10 decades, choosing the rate and location of removals so that at the 10th decade the forest is so arranged that in each decade thereafter he will have the opportunity to cut one-tenth of the forest. The level of growth planned and attained in each decade will control the future harvest level 10 decades hence.

The closer one gets to the point where the existing stand is removed, the less flexibility one has to make adjustments for the next cycle, since reserves will be made up mainly of young immature stands growing for the future.

Forest Service survey data in the Pacific Northwest demonstrate the problems emerging in that region. These problems account for the pressures to rapidly increase National Forest harvest levels.

DOUGLAS FIR REGION—WASHINGTON AND OREGON: COM. FOR ACREAGE, VOLUME, GROWTH AND REMOVALS
[Per acre—board feet]

Owner classes	Acres millions	Volume	Volume	Growth	Re- movals	Removal growth ratio	Growth on volumes percent	Decades to cut vol. excl. of growth
Bill b.f.²								
Washington:								
Nat. for.....	2.3	90.2	39,200	195	435	2.24	0.5	10
Other pub.....	1.8	42.5	236,00	550	820	1.49	2.3	3
For ind.....	3.6	67.3	18,700	445	1,100	2.47	2.4	2
Farm and miscellaneous.....	2.2	21.8	9,900	430	375	.87	4.4	-----
Total.....	9.9	221.9	22,400	400	735	1.85	1.8	3
Oregon:								
Nat. for.....	4.6	165.6	36,000	230	600	2.60	.7	6
Other pub.....	2.9	64.5	22,200	255	550	2.15	1.1	4
For ind.....	3.6	52.5	14,600	175	890	5.10	1.2	2
Farm and miscellaneous.....	3.2	28.9	9,000	250	150	.60	2.8	-----
Total.....	14.4	311.6	21,600	225	560	2.50	1.0	4

¹ Source: "Timber Resource Statistics for Washington," Jan. 1, 1973, USDA FS. Pnnbul 53, "Timber Resource Statistics for Oregon, Jan. 1, 1973, USDA FS. Pnnbul 56.

² International 1/4-in rule.

The sustained yield practicalities for each class of owner is thus affected by the various age class relationships. They are also conditioned by present stocking, inventories, cutting rates and by what happened in the past.

The generally held notion is that the lands in small holdings have the lowest order of management and thus growth, while it is said industry lands have the highest order of management and growth. Yet when one looks at growth rate data, both as a percentage of volume and per acre growth in the Pacific northwest, this does not appear to be true. The farm lands in Washington compare very favorably with industry lands, and in Oregon their rate of growth and percent of growth on the farm lands substantially exceeds that on industry lands. Another factor of significant impact is that the rate of harvest on industry lands is the highest, far above growth rates. Also this is more so in Oregon than in Washington. Further, the rate of growth on industry lands does not appear to be as great as one would expect, especially in Oregon, given the point in the liquidation process that has been reached.

The significance is that a rate of cutting that liquidates the inventory is acceptable, in sustained yield terms, if the time span is long enough to permit the in-growth to replace it.

On farm lands in the Pacific Northwest, the inventory is low, the rate of growth is low, and the sustained yield is low. This demonstrates, by comparison with the industry lands, that sustained yield can mean many things. The data on industry lands show removals in excess of growth and a low rate of growth. The same condition exists on the public forests, thus emphasizing the need to rapidly enhance productivity on lands previously cutover. A more effective picture would be revealed if the growth rates were depicted by decadal periods, thus permitting better evaluation of future sustained-yield levels. However, on a regional basis, the data revealing because it demonstrates the reason for urging more rapid cutting of remaining old-growth timber on the National Forests. The long range regional impacts, however, would be to adversely affect outputs since neither the farm or industry groups of lands, half the production area and more than half of the productivity base, are being positioned rapidly enough to increase their outputs 2 to 5 decades ahead.

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974,
and for other purposes.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That this Act may
be cited as the "National Forest Management Act of 1976".*

FINDINGS

SEC. 2. The Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476; 16 U.S.C. 1601-1610) is amended by redesignating sections 2 through 11 as sections 3 through 12, respectively; and by adding a new section 2 as follows:

"SEC. 2. FINDINGS.—The Congress finds that—

"(1) the management of the Nation's renewable resources is highly complex and the uses, demand for, and supply of the various resources are subject to change over time;

"(2) the public interest is served by the Forest Service, Department of Agriculture, in cooperation with other agencies, assessing the Nation's renewable resources, and developing and preparing a national renewable resource program, which is periodically reviewed and updated;

"(3) to serve the national interest, the renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangelands, through analysis of environmental and economic impacts, coordination of multiple use and sustained yield opportunities as provided in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531), and public participation in the development of the program;

"(4) the new knowledge derived from coordinated public and private research programs will promote a sound technical and ecological base for effective management, use, and protection of the Nation's renewable resources;

"(5) inasmuch as the majority of the Nation's forests and rangeland is under private, State, and local governmental management and the Nation's major capacity to produce goods and services is based on these nonfederally managed renewable resources, the Federal Government should be a catalyst to encourage and assist these owners in the efficient long-term use and improvement of these lands and their renewable resources consistent with the principles of sustained yield and multiple use;

"(6) the Forest Service, by virtue of its statutory authority for management of the National Forest System, research and cooperative programs, and its role as an agency in the Department of Agriculture, has both a responsibility and an opportunity to be a leader in assuring that the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity; and

“(7) recycled timber product materials are as much a part of our renewable forest resources as are the trees from which they originally came, and in order to extend our timber and timber fiber resources and reduce pressures for timber production from Federal lands, the Forest Service should expand its research in the use of recycled and waste timber product materials, develop techniques for the substitution of these secondary materials for primary materials, and promote and encourage the use of recycled timber product materials.”

REPORTS ON FIBER POTENTIAL, WOOD UTILIZATION BY MILLS, WOOD WASTES
AND WOOD PRODUCT RECYCLING

SEC. 3. Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by adding at the end thereof a new subsection (c) as follows:

“(c) The Secretary shall report in the 1979 and subsequent Assessments on:

“(1) the additional fiber potential in the National Forest System including, but not restricted to, forest mortality, growth, salvage potential, potential increased forest products sales, economic constraints, alternate markets, contract considerations, and other multiple use considerations;

“(2) the potential for increased utilization of forest and wood product wastes in the National Forest System and on other lands, and of urban wood wastes and wood product recycling, including recommendations to the Congress for actions which would lead to increased utilization of material now being wasted both in the forests and in manufactured products; and

“(3) the milling and other wood fiber product fabrication facilities and their location in the United States, noting the public and private forested areas that supply such facilities, assessing the degree of utilization into product form of harvested trees by such facilities, and setting forth the technology appropriate to the facilities to improve utilization either individually or in aggregate units of harvested trees and to reduce wasted wood fibers. The Secretary shall set forth a program to encourage the adoption by these facilities of these technologies for improving wood fiber utilization.

“(d) In developing the reports required under subsection (c) of this section, the Secretary shall provide opportunity for public involvement and shall consult with other interested governmental departments and agencies.”

REFORESTATION

SEC. 4. Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by adding at the end thereof new subsections (d) and (e) as follows:

“(d) (1) It is the policy of the Congress that all forested lands in the National Forest System shall be maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans. Accordingly, the Secretary is directed to identify and report to the Congress annually at the time of submission of the President's budget together with the annual report provided for under section 8(c) of this Act, beginning with submission of the President's

budget for fiscal year 1978, the amount and location by forests and States and by productivity class, where practicable, of all lands in the National Forest System where objectives of land management plans indicate the need to reforest areas that have been cut-over or otherwise denuded or deforested, and all lands with stands of trees that are not growing at their best potential rate of growth. All national forest lands treated from year to year shall be examined after the first and third growing seasons and certified by the Secretary in the report provided for under this subsection as to stocking rate, growth rate in relation to potential and other pertinent measures. Any lands not certified as satisfactory shall be returned to the backlog and scheduled for prompt treatment. The level and types of treatment shall be those which secure the most effective mix of multiple use benefits.

“(2) Notwithstanding the provisions of section 9 of this Act, the Secretary shall annually for eight years following the enactment of this subsection, transmit to the Congress in the manner provided in this subsection an estimate of the sums necessary to be appropriated, in addition to the funds available from other sources, to replant and otherwise treat an acreage equal to the acreage to be cut over that year, plus a sufficient portion of the backlog of lands found to be in need of treatment to eliminate the backlog within the eight-year period. After such eight-year period, the Secretary shall transmit annually to the Congress an estimate of the sums necessary to replant and otherwise treat all lands being cut over and maintain planned timber production on all other forested lands in the National Forest System so as to prevent the development of a backlog of needed work larger than the needed work at the beginning of the fiscal year. The Secretary’s estimate of sums necessary, in addition to the sums available under other authorities, for accomplishment of the reforestation and other treatment of National Forest System lands under this section shall be provided annually for inclusion in the President’s budget and shall also be transmitted to the Speaker of the House and the President of the Senate together with the annual report provided for under section 8(c) of this Act at the time of submission of the President’s budget to the Congress beginning with the budget for fiscal year 1978. The sums estimated as necessary for reforestation and other treatment shall include moneys needed to secure seed, grow seedlings, prepare sites, plant trees, thin, remove deleterious growth and underbrush, build fence to exclude livestock and adverse wildlife from regeneration areas and otherwise establish and improve growing forests to secure planned production of trees and other multiple use values.

“(3) Effective for the fiscal year beginning October 1, 1977, and each fiscal year thereafter, there is hereby authorized to be appropriated for the purpose of reforesting and treating lands in the National Forest System \$200,000,000 annually to meet requirements of this subsection (d). All sums appropriated for the purposes of this subsection shall be available until expended.

“(e) The Secretary shall submit an annual report to the Congress on the amounts, types, and uses of herbicides and pesticides used in the National Forest System, including the beneficial or adverse effects of such uses.”

RENEWABLE RESOURCE PROGRAM

SEC. 5. Section 4 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by striking out the word “and” at the end of paragraph (3); striking out the word “satisfy” and inserting in lieu thereof “implement and monitor” in paragraph (4); striking out the period at the

end of paragraph (4) and inserting in lieu thereof a semicolon and the word "and"; and by adding a new paragraph (5) as follows:

"(5) Program recommendations which—

"(A) evaluate objectives for the major Forest Service programs in order that multiple-use and sustained-yield relationships among and within the renewable resources can be determined;

"(B) explain the opportunities for owners of forests and rangeland to participate in programs to improve and enhance the condition of the land and the renewable resource products therefrom;

"(C) recognize the fundamental need to protect and, where appropriate, improve the quality of soil, water, and air resources;

"(D) state national goals that recognize the interrelationships between and interdependence within the renewable resources; and

"(E) evaluate the impact of the export and import of raw logs upon domestic timber supplies and prices."

NATIONAL FOREST SYSTEM RESOURCE PLANNING

SEC. 6. Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by adding at the end thereof new subsections (c) through (m) as follows:

"(c) The Secretary shall begin to incorporate the standards and guidelines required by this section in plans for units of the National Forest System as soon as practicable after enactment of this subsection and shall attempt to complete such incorporation for all such units by no later than September 30, 1985. The Secretary shall report to the Congress on the progress of such incorporation in the annual report required by section 8(c) of this Act. Until such time as a unit of the National Forest System is managed under plans developed in accordance with this Act, the management of such unit may continue under existing land and resource management plans.

"(d) The Secretary shall provide for public participation in the development, review, and revision of land management plans including, but not limited to, making the plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions.

"(e) In developing, maintaining, and revising plans for units of the National Forest System pursuant to this section, the Secretary shall assure that such plans—

"(1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960, and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness; and

"(2) determine forest management systems, harvesting levels, and procedures in the light of all of the uses set forth in subsection (c) (1), the definition of the terms 'multiple use' and 'sustained yield' as provided in the Multiple-Use Sustained-Yield Act of 1960, and the availability of lands and their suitability for resource management.

“(f) Plans developed in accordance with this section shall—

“(1) form one integrated plan for each unit of the National Forest System, incorporating in one document or one set of documents, available to the public at convenient locations, all of the features required by this section;

“(2) be embodied in appropriate written material, including maps and other descriptive documents, reflecting proposed and possible actions, including the planned timber sale program and the proportion of probable methods of timber harvest within the unit necessary to fulfill the plan;

“(3) be prepared by an interdisciplinary team. Each team shall prepare its plan based on inventories of the applicable resources of the forest;

“(4) be amended in any manner whatsoever after final adoption after public notice, and, if such amendment would result in a significant change in such plan, in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section; and

“(5) be revised (A) from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every fifteen years, and (B) in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section.

“(g) As soon as practicable, but not later than two years after enactment of this subsection, the Secretary shall in accordance with the procedures set forth in section 553 of title 5, United States Code, promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960, that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection. The regulations shall include, but not be limited to—

“(1) specifying procedures to insure that land management plans are prepared in accordance with the National Environmental Policy Act of 1969, including, but not limited to, direction on when and for what plans an environmental impact statement required under section 102(2)(C) of that Act shall be prepared;

“(2) specifying guidelines which—

“(A) require the identification of the suitability of lands for resource management;

“(B) provide for obtaining inventory data on the various renewable resources, and soil and water, including pertinent maps, graphic material, and explanatory aids; and

“(C) provide for methods to identify special conditions or situations involving hazards to the various resources and their relationship to alternative activities;

“(3) specifying guidelines for land management plans developed to achieve the goals of the Program which—

“(A) insure consideration of the economic and environmental aspects of various systems of renewable resource management, including the related systems of silviculture and protection of forest resources, to provide for outdoor recreation (including wilderness), range, timber, watershed, wildlife, and fish;

“(B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate,

to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;

“(C) insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;

“(D) permit increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement if (i) such practices justify increasing the harvests in accordance with the Multiple-Use Sustained-Yield Act of 1960, and (ii) such harvest levels are decreased at the end of each planning period if such practices cannot be successfully implemented or funds are not received to permit such practices to continue substantially as planned;

“(E) insure that timber will be harvested from National Forest System lands only where—

“(i) soil, slope, or other watershed conditions will not be irreversibly damaged;

“(ii) there is assurance that such lands can be adequately restocked within five years after harvest;

“(iii) protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat; and

“(iv) the harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber; and

“(F) insure that clearcutting, seed tree cutting, shelter-wood cutting, and other cuts designed to regenerate an even-aged stand of timber will be used as a cutting method on National Forest System lands only where—

“(i) for clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan;

“(ii) the interdisciplinary review as determined by the Secretary has been completed and the potential environmental, biological, esthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area;

“(iii) cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain;

“(iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: *Provided*, That such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and

“(v) such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.

“(h) (1) In carrying out the purposes of subsection (g) of this section, the Secretary of Agriculture shall appoint a committee of scientists who are not officers or employees of the Forest Service. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate upon promulgation of the regulations, but the Secretary may, from time to time, appoint similar committees when considering revisions of the regulations. The views of the committees shall be included in the public information supplied when the regulations are proposed for adoption.

“(2) Clerical and technical assistance, as may be necessary to discharge the duties of the committee, shall be provided from the personnel of the Department of Agriculture.

“(3) While attending meetings of the committee, the members shall be entitled to receive compensation at a rate of \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(i) Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans. Those resource plans and permits, contracts, and other such instruments currently in existence shall be revised as soon as practicable to be made consistent with such plans. When land management plans are revised, resource plans and permits, contracts, and other instruments, when necessary, shall be revised as soon as practicable. Any revision in present or future permits, contracts, and other instruments made pursuant to this section shall be subject to valid existing rights.

“(j) Land management plans and revisions shall become effective thirty days after completion of public participation and publication of notification by the Secretary as required under section 6(d) of this Act.

“(k) In developing land management plans pursuant to this Act, the Secretary shall identify lands within the management area which are not suited for timber production, considering physical, economic, and other pertinent factors to the extent feasible, as determined by the Secretary, and shall assure that, except for salvage sales or sales necessitated to protect other multiple-use values, no timber harvesting shall occur on such lands for a period of 10 years. Lands once identified as unsuitable for timber production shall continue to be treated for reforestation purposes, particularly with regard to the protection of other multiple-use values. The Secretary shall review his decision to classify these lands as not suited for timber production at least every 10 years and shall return these lands to timber production whenever he determines that conditions have changed so that they have become suitable for timber production.

“(l) The Secretary shall—

“(1) formulate and implement, as soon as practicable, a process for estimating long-terms costs and benefits to support the program evaluation requirements of this Act. This process shall

include requirements to provide information on a representative sample basis of estimated expenditures associated with the reforestation, timber stand improvement, and sale of timber from the National Forest System, and shall provide a comparison of these expenditures to the return to the Government resulting from the sale of timber; and

“(2) include a summary of data and findings resulting from these estimates as a part of the annual report required pursuant to section 8(c) of this Act, including an identification on a representative sample basis of those advertised timber sales made below the estimated expenditures for such timber as determined by the above cost process; and

“(m) The Secretary shall establish—

“(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated on the basis of cubic measurement or other methods of calculation at the discretion of the Secretary): *Provided*, That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures: *Provided further*, That these standards shall not preclude 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; and

“(2) exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to the multiple uses of the forest including, but not limited to, recreation, wildlife habitat, and range and after completion of public participation processes utilizing the procedures of subsection (d) of this section.”.

NATIONAL PARTICIPATION

SEC. 7. Section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended—

(a) by striking out “sixty” in the second sentence of subsection (a) and inserting in lieu thereof the word “ninety”; and by striking out “sixty-day period” in the third sentence of subsection (a) and inserting in lieu thereof “ninety-day period”; and

(b) by adding a new sentence at the end of subsection (c) as follows: “With regard to the research component of the program, the report shall include, but not be limited to, a description of the status of major research programs, significant findings, and how these findings will be applied in National Forest System management.”.

TRANSPORTATION SYSTEM

SEC. 8. Section 10 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by inserting “(a)” immediately before the words “The Congress” and inserting at the end thereof new subsections (b) and (c) as follows:

“(b) Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber contract or other permit or lease shall be designed with the goal of reestablishing

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vegetative cover on the roadway and areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System.

“(c) Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources.”.

NATIONAL FOREST SYSTEM

SEC. 9. Section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by adding at the end thereof the following new sentence: “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), or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress.”.

RENEWABLE RESOURCES

SEC. 10. Section 12 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as redesignated by section 2 of this Act, is amended by striking out the period at the end of that section and inserting in lieu thereof the following: “and on the date of enactment of any legislation amendatory or supplementary thereto.”.

LIMITATIONS ON TIMBER REMOVAL; PUBLIC PARTICIPATION AND ADVISORY BOARDS; REGULATIONS; SEVERABILITY

SEC. 11. The Forest and Rangeland Renewable Resources Planning Act of 1974 is amended by adding at the end thereof new sections 13 through 16 as follows:

“SEC. 13. LIMITATIONS ON TIMBER REMOVAL.—(a) The Secretary of Agriculture 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 6(d) of this Act. 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) 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.

"SEC. 14. PUBLIC PARTICIPATION AND ADVISORY BOARDS.—(a) In exercising his authorities under this Act 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) In providing for public participation in the planning for and management of the National Forest System, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) 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."

"SEC. 15. REGULATIONS.—The Secretary of Agriculture shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this Act.

"SEC. 16. SEVERABILITY.—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby."

CONFORMING AMENDMENTS TO THE FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974

SEC. 12. The Forest and Rangeland Renewable Resources Planning Act of 1974 is amended as follows:

(a) Section 6(a), as redesignated by section 2 of this Act, is amended by striking out "section 3" and inserting in lieu thereof "section 4".

(b) Section 8, as redesignated by section 2 of this Act, is amended—

(1) by striking out "section 2" and "section 3" in the first sentence of subsection (a) and inserting in lieu thereof "section 3" and "section 4", respectively;

(2) by striking out "section 3" in subsection (c) and inserting in lieu thereof "section 4"; and

(3) by striking out "section 3" in the first sentence of subsection (d) and inserting in lieu thereof "section 4".

AMENDMENT TO THE ORGANIC ACT

SEC. 13. The twelfth undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" in the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 476), is hereby repealed.

TIMBER SALES ON NATIONAL FOREST SYSTEM LANDS

SEC. 14. (a) For the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C.

528-531) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476; 16 U.S.C. 1601-1610), the Secretary of Agriculture, under such rules and regulations as he may prescribe, may sell, at not less than appraised value, trees, portions of trees, or forest products located on National Forest System lands.

(b) All advertised timber sales shall be designated on maps, and a prospectus shall be available to the public and interested potential bidders.

(c) The length and other terms of the contract shall be designed to promote orderly harvesting consistent with the principles set out in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. Unless there is a finding by the Secretary of Agriculture that better utilization of the various forest resources (consistent with the provisions of the Multiple-Use Sustained-Yield Act of 1960) will result, sales contracts shall be for a period not to exceed ten years: *Provided*, That such period may be adjusted at the discretion of the Secretary to provide additional time due to time delays caused by an act of an agent of the United States or by other circumstances beyond the control of the purchaser. The Secretary shall require the purchaser to file as soon as practicable after execution of a contract for any advertised sale with a term of two years or more, a plan of operation, which shall be subject to concurrence by the Secretary. The Secretary shall not extend any contract period with an original term of two years or more unless he finds (A) that the purchaser has diligently performed in accordance with an approved plan of operation or (B) that the substantial overriding public interest justifies the extension.

(d) The Secretary of Agriculture shall advertise all sales unless he determines that extraordinary conditions exist, as defined by regulation, or that the appraised value of the sale is less than \$10,000. If, upon proper offering, no satisfactory bid is received for a sale, or the bidder fails to complete the purchase, the sale may be offered and sold without further advertisement.

(e) The Secretary of Agriculture shall take such action as he may deem appropriate to obviate collusive practices in bidding for trees, portions of trees, or forest products from National Forest System lands, including but not limited to—

(1) establishing adequate monitoring systems to promptly identify patterns of noncompetitive bidding;

(2) requiring sealed bidding on all sales except where the Secretary determines otherwise by regulation; and

(3) requiring that a report of instances of such collusive practices or patterns of noncompetitive bidding be submitted to the Attorney General of the United States with any and all supporting data.

(f) The Secretary of Agriculture, under such rules and regulations as he may prescribe, is authorized to dispose of, by sale or otherwise, trees, portions of trees, or other forest products related to research and demonstration projects.

(g) Designation, marking when necessary, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture. Such persons shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the employment of the purchaser thereof.

(h) The Secretary of Agriculture shall develop utilization standards, methods of measurement, and harvesting practices for the removal of trees, portions of trees, or forest products to provide for

the optimum practical use of the wood material. Such standards, methods, and practices shall reflect consideration of opportunities to promote more effective wood utilization, regional conditions, and species characteristics and shall be compatible with multiple use resource management objectives in the affected area. To accomplish the purpose of this subsection in situations involving salvage of insect-infested, dead, damaged, or down timber, and to remove associated trees for stand improvement, the Secretary is authorized to require the purchasers of such timber to make monetary deposits, as a part of the payment for the timber, to be deposited in a designated fund from which sums are to be used, to cover the cost to the United States for design, engineering, and supervision of the construction of needed roads and the cost for Forest Service sale preparation and supervision of the harvesting of such timber. Deposits of money pursuant to this subsection are to be available until expended to cover the cost to the United States of accomplishing the purposes for which deposited: *Provided*, That such deposits shall not be considered as moneys received from the national forests within the meaning of sections 500 and 501 of title 16, United States Code: *And provided further*, That sums found to be in excess of the cost of accomplishing the purposes for which deposited on any national forest shall be transferred to miscellaneous receipts in the Treasury of the United States.

(i) (1) For sales of timber which include a provision for purchaser credit for construction of permanent roads with an estimated cost in excess of \$20,000, the Secretary of Agriculture shall promulgate regulations requiring that the notice of sale afford timber purchasers qualifying as "small business concerns" under the Small Business Act, as amended, and the regulations issued thereunder, an estimate of the cost and the right, when submitting a bid, to elect that the Secretary build the proposed road: *Provided*, That the provisions of this subsection shall not apply to sales of timber on National Forest System lands in the State of Alaska.

(2) If the purchaser makes such an election, the price subsequently paid for the timber shall include all of the estimated cost of the road. In the notice of sale, the Secretary of Agriculture shall set a date when such road shall be completed which shall be applicable to either construction by the purchaser or the Secretary, depending on the election. To accomplish requested work, the Secretary is authorized to use from any receipts from the sale of timber a sum equal to the estimate for timber purchaser credits, and such additional sums as may be appropriated for the construction of roads, such funds to be available until expended, to construct a road that meets the standards specified in the notice of sale.

(3) The provisions of this subsection shall become effective on October 1, 1976.

VALIDATION OF TIMBER SALES CONTRACTS

SEC. 15. (a) Timber sales made pursuant to the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 476), prior to the date of enactment of this section shall not be invalid if the timber was sold in accord with Forest Service silvicultural practices and sales procedures in effect at the time of the sale, subject to the provisions of subsection (b) of this section.

(b) The Secretary of Agriculture is directed, in developing five-year operating plans under the provisions of existing fifty-year timber sales contracts in Alaska, to revise such contracts to make them consistent with the guidelines and standards provided for in the Forest

and Rangeland Renewable Resources Planning Act of 1974, as amended, and to reflect such revisions in the contract price of timber. Any such action shall not be inconsistent with valid contract rights approved by the final judgment of a court of competent jurisdiction.

PAYMENTS TO STATES FOR SCHOOLS AND ROADS

SEC. 16. The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908, as amended, and section 13 of the Act of March 1, 1911, as amended (35 Stat. 260, 36 Stat. 963, as amended; 16 U.S.C. 500), are each amended by adding at the end thereof, respectively, the following new sentence: "Beginning October 1, 1976, the term 'moneys received' shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes."

ACQUISITION OF NATIONAL FOREST SYSTEM LANDS

SEC. 17. (a) The Act of March 1, 1911 (36 Stat. 961), as amended (16 U.S.C. 480, 500, 513-517, 517a, 518, 519, 521, 552, 563), is amended as follows:

(1) Section 4, as amended, is repealed, and all functions of the National Forest Reservation Commission are transferred to the Secretary of Agriculture.

(2) Section 5 is repealed.

(3) Section 6 is amended to read as follows: "The Secretary of Agriculture is hereby authorized and directed to examine, locate, and purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber. No deed or other instrument of conveyance of lands referred to herein shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams."

(4) Section 7, as amended, is amended to read as follows: "When the public interests will be benefited thereby, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive

weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subjected to all provisions of this Act."

(5) Section 9, as amended, is amended by striking out the following language in the first sentence: "the National Forest Reservation Commission and".

(6) Section 14, as amended, is repealed.

(b) For purposes of providing information that will aid the Congress in its oversight responsibilities and improve the accountability of expenditures for the acquisition of forest land, the Secretary of Agriculture may not hereafter enter into any land purchase or exchange relating to the National Forest System of \$25,000 or more for the types of lands which have been heretofore approved by the National Forest Reservation Commission until after 30 days from the date upon which a detailed report of the facts concerning such proposed purchase or transfer is submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate or such earlier time as may be approved by both such committees. Such report shall contain at least the following:

- (1) guidelines utilized by the Secretary in determining that the land should be acquired;
- (2) the location and size of the land;
- (3) the purchase price of the land and the criteria used by the Secretary in determining such price; and
- (4) the person from whom the land is being acquired.

AMENDMENT TO THE KNUTSON-VANDENBERG ACT

SEC. 18. Section 3 of the Act of June 9, 1930 (46 Stat. 527; 16 U.S.C. 576b), is amended—

(a) by striking out the word "or" immediately before "(3)" in the first sentence thereof; and

(b) by striking out in the first sentence thereof the colon preceding the proviso and all that follows down through "three years" and inserting in lieu thereof the following: ", 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".

AMENDMENT TO THE ACT OF JUNE 12, 1960

SEC. 19. The Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531), is amended by adding at the end thereof the following new section:

"SEC. 5. This Act may be cited as the 'Multiple-Use Sustained-Yield Act of 1960'."

PLAN FOR CONTROL OF DUTCH ELM DISEASE

SEC. 20. The Secretary of Agriculture, in consultation with officials of both the States and political subdivisions thereof, shall conduct a study of the incidence of Dutch elm disease and evaluate methods for controlling the spread of such disease. The Secretary shall prepare and submit to the President and both Houses of the Congress on or before March 1, 1977, a report which includes—

- (1) the results of such study;
- (2) plans for further research into the control of Dutch elm disease; and
- (3) an action plan which includes a program of outreach and public information about the disease, and recommendations for controlling the spread of the disease.

SEVERABILITY

SEC. 21. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

Today I am pleased to sign S. 3091 -- the National Forest Management Act of 1976 -- an act of great significance to the conservation and management of this Nation's natural resources.

This Act is another important milestone in the evolution of forest policy and conservation law governing our stewardship of a major part of this Nation's great natural heritage, the National Forest System.

In America's first century, our forests and their vast resources seemed to our forefathers inexhaustible. By the late nineteenth century, however, the spirit of expansion and development had led to much abuse of our forest lands. Fires frequently raged out of control over millions of acres, devastating floods were increasing, and our wildlife was being depleted.

With wisdom and timeliness, this Nation began to establish Federal forest reserves to protect our forest lands and to guarantee that future generations would enjoy their benefits. Although the first Federal forester had been hired just a hundred years ago in 1876, it was the establishment of the forest reserves in 1891 which sped the development and practice of professional, scientific forestry on Federal lands.

Today the National Forest System comprises 187 million acres of forest and range lands in 44 States and Puerto Rico, and provides millions of Americans outstanding outdoor recreation and wilderness experiences, as well as many wood products, substantial mineral and energy resources, clean and plentiful water, forage for domestic livestock, and homes for many species of fish, wildlife, and plants.

From its inception, the National Forest System was administered not only to protect forest lands, but also to restore their productivity. After an early period of basic custodial protection, a philosophy evolved to manage the National Forests in such a way that they provided a variety of uses and benefits for present and future generations. This concept of managing lands on a multiple-use, sustained-yield basis, which was confirmed by law in 1960, has always been a challenge. It has led to continuous discussion and debate over the proper mix of resource uses.

In the past decade, the use and management of the timber resources of the National Forests culminated in a court suit challenging the manner in which National Forest timber is harvested. The decision in the Monongahela National Forest case had the initial effect of severely reducing timber sales on all the National Forests in South Carolina, North Carolina, Virginia and West Virginia, causing hardships for the forest products industry and its many employees. Applied nationwide, the court's decision would severely restrict the timber supply from all the National Forests, led to the Act before me today.

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While the National Forest Management Act of 1976 evolved from a timber management controversy, the Act goes far beyond a simple remedy of the court's decision. Basically, the Act expands and refines the forest resource assessment and planning requirements of the Forest and Rangeland Renewable Resources Planning Act of 1974 -- one of the first Acts I signed upon taking office. This Act reaffirms and further defines the concept of multiple-use, sustained-yield management and outlines policies and procedures for land management planning in the National Forest System. Emphasis throughout the Act is on a balanced consideration of all resources in the land management process.

Of equal importance, this Act guarantees the public full opportunity to participate in National Forest land and resource planning. Finally, it recognizes the importance of scientific research and cooperation with State and local governments and private landowners in achieving wise use and management of the Nation's forest resources.

In my consideration of this legislation, a statement made in 1907 by Gifford Pinchot, the first Chief Forester of the Forest Service, was brought to my attention. Mr. Pinchot said,

"There are many great interests on the National Forests which sometimes conflict a little. They must all be fit into one another so that the machine runs smoothly as a whole. It is often necessary for one man to give way a little here, another a little there. But, by giving way a little at the present, they both profit by it a great deal in the end."

This National Forest Management Act of 1976 is the product of diverse and often conflicting interests. Officials of the Department of Agriculture and its Forest Service, conservation organizations, the timber industry, labor, professional foresters, and members of Congress have worked for months to develop sound legislation. The Nation has profited as a result of their efforts. On balance, I find this Act to be a reasonable compromise of the many competing interests which affect the National Forest System.

Therefore, in this Bicentennial year of our Nation, and in this Centennial Year of Federal Forestry, I am very pleased to sign into law S. 3091, the National Forest Management Act of 1976.

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