

February 17, 1960

TO: Members, Western Forest Land Use CommitteeSUBJECT: FOREST SERVICE MULTIPLE USE BILL

Enclosed is a copy of the Forest Service's multiple use bill which has finally cleared the Budget Bureau. Assistant Secretary of Agriculture Peterson has submitted it to the House for consideration with a recommendation for enactment. It has been assigned to the House Agriculture Committee and awaits introduction. Also enclosed is a copy of Mr. Peterson's letter of transmittal explaining the bill and the need for it.

A comparison of the Forest Service's multiple use bill with the draft bill of the Western Forest Land Use Committee shows:

<u>Forest Service Bill</u>	<u>Committee's Draft</u>
Uses term <u>multiple use</u> .	Does not use <u>multiple use</u> .
Retains existing law for <u>minerals</u> .	Directs "sustained yield" of <u>minerals</u> .
Does not mention <u>scenery</u> specifically.	Directs "sustained yield" of <u>scenery</u> .
Does not mention <u>wilderness</u> specifically.	Directs "sustained yield" of <u>wilderness</u> .
<u>Maximizing benefits</u> not mentioned.	Purpose stated: " <u>to maximize the benefits</u> "
National forests to be "administered" for <u>five stated purposes</u> .	National forests to be "managed" for <u>all products and services</u> ."

My own reaction is that each draft has its own strong and weak points. Our Committee's draft still has much to recommend it in my mind, but certainly there is relatively little to be resolved between the two. They say and do essentially the same thing. Let me suggest that our Committee consider changing "sustained yield" in its draft to "continuous availability" so that the term might better apply to minerals, scenery and wilderness.

All of the Association's Executive Committee have not yet replied to our request for approval to disseminate the Land Use Committee's draft multiple use bill. As soon as this matter has been resolved, we will notify you. If approval is given, we will distribute this bill throughout the West for comment.

Enclosures.

H. R. Glascock, Jr., Secretary  
Western Forest Land Use Committee



A BILL

To authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes.

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. Nothing herein shall be construed to affect the authority of the Secretary of the Interior provided by law with respect to mineral resources.

Section 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.

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



*Circulate Staff*

COPY

DEPARTMENT OF AGRICULTURE  
Washington 25, D. C.

February 5, 1960

The Speaker  
House of Representatives

Dear Mr. Speaker:

There is transmitted herewith for consideration of the Congress a draft bill "To authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes."

This Department recommends enactment of the draft bill.

The recommended bill would direct the Secretary of Agriculture to administer the national forests for multiple use and sustained yield of their several products and services. It would recognize that the national forests provide watershed, timber, range, outdoor recreation, and fish and wildlife values, and would declare that it is the policy of the Congress that the national forests are established and are to be administered for such purposes. The Secretary of Agriculture would be further authorized to cooperate with State and local agencies in national-forest development.

The national forests of the United States are invaluable national assets, consisting of forest and range lands and high mountain watersheds occurring in 41 States and Puerto Rico. There are 181 million acres of national-forest land grouped into 151 national forests.

The national forests yield water, timber, forage, recreation, game, and other wildlife. The timber, forage, and land alone are appraised at well over 7 billion dollars. More than half of the commercial forest land in the West occurs on the national forests. One-third of the Nation's big game is found within their boundaries. One-fifth of the Nation's sheep and one-eighth of the Nation's cattle graze national-forest ranges.

Many millions of people seek the national forests each year for rest, relaxation and spiritual uplift. Recreation-wise, the national forests are increasing in importance because of more leisure time, greater mobility of the average family, increased accessibility of the national forests, and the relatively low cost of a national-forest vacation.

National forests are major sources of water for 1,800 towns and cities, including major western metropolitan areas. Over 600 hydroelectrical developments depend on the national forests for water. They will continue their indispensable role as regulators of the kind and amount of fresh water available to our people.

Current annual national-forest revenues are about 120 million dollars, of which the States and counties receive one-fourth.



In March 1959, Secretary Benson transmitted to you and the President of the Senate, a "Program for the National Forests," embracing all of the renewable resources of the national-forest system, and outlining both an interim program for the next 10 to 15 years, as well as long-range objectives for the next 40 years. That report indicated that legislative authorities for the recommended national-forest program were generally adequate, but that supplemental legislation would be proposed as the need arose. The draft bill recommended herein falls in that category. It would contribute significantly to the achievement of national-forest program objectives, would help to assure the balanced development and use of national-forest resources, and would prevent their possible future over-utilization as a result of economic and single-interest pressures.

The draft bill, if enacted, would be major legislation insofar as the objectives and purposes of the national forests are concerned.

The bill would do the following significant things--

1. Direct that the national forests be administered for sustained yield of their several products and services.
2. Direct that they be developed under multiple-use principles, and declare a Congressional policy that they are established and shall be administered for watershed, timber, range, outdoor recreation, and fish and wildlife values.
3. Authorize cooperation with other groups in national-forest development.

The national forests have long been administered under the policies of multiple use and sustained yield. The Department does not believe there is any question as to its authority to so manage the national forests, and the recommendation that this draft bill be enacted should not be so construed.

The Act of June 4, 1897 (30 Stat. 35), specifies that one of the purposes for which national forests are established is "to furnish a continuous supply of timber." That Act also provides that the Secretary "regulate their occupancy and use, and preserve the forests thereon from destruction."

In line with the above, the regulations of the Secretary of Agriculture (36 CFR 221.3) direct that "management plans for national-forest timber resources shall -- be based on the principle of sustained yield --." Within the framework of this regulation, the Forest Service manual defines the principle of sustained yield and states "the policy is to manage each national-forest working circle so that it will produce the maximum sustained yield of the products it is best suited to grow." This has been the guiding conservation principle under which national-forest timber resources have been managed for years. We feel the principle to be highly desirable and certainly within the framework of applicable statutory provisions.

However, other than the above and the sustained-yield unit act of 1944 (58 Stat. 132), which is of limited and local application, there is no specific statutory recognition or directive to administer national-forest resources on a sustained-yield basis. Furthermore, the references cited above relate to timber, whereas all of the renewable resources of the national forests should be, and are



being, administered under sustained-yield principles. In addition, in 1958 during Congressional consideration of S. 3051 relating to the Klamath Indian Reservation, the language in the 1897 act to "furnish a continuous supply of timber" was suggested by some to be less impelling than sustained yield.

In summary, we are strongly of the opinion that the Secretary of Agriculture should be directed to administer the national forests for sustained yield of its several products and services because: (a) this would give specific statutory recognition to sustained yield as a desirable principle of management; (b) it would apply the concept of sustained yield not only to timber, but also to the other renewable national-forest resources; and (c) such legislation would protect national-forest resources from possible over-utilization in the future as a result of economic pressures or those of single-interest groups.

With respect to the provisions for multiple use in the draft bill, there exists at the present time no specific statutory provision for multiple-use national-forest management. Two of the several national-forest resources, namely water and timber, are named in the Act of June 4, 1897, as purposes for which the national forests shall be established. The utilization of national-forest grazing resources by livestock is specifically recognized in several sections of the Act of April 24, 1950 (64 Stat. 32), as well as in Supreme Court decisions and numerous appropriation acts. The authority to administer recreation and wildlife habitat resources of the national forests has been recognized in numerous appropriation acts and comes from the authority contained in the Act of June 4, 1897, to regulate the "occupancy and use" of the national forests.

On February 1, 1905, the same day that the President signed the Act transferring the then forest reserves (now national forests) from the Department of the Interior to the Department of Agriculture, the Secretary of Agriculture by letter directed the Forest Service to administer the lands for "permanent use," for "permanent good of the whole people," and for "permanence of the resources." This directive mentioned the water, wood, and forage resources, and directed that questions of policy should be decided from the standpoint of "the greatest good of the greatest number in the long run." The Secretarial directive of 1905 by its references to several resources, to permanence, to use, and to good of the whole people, and by the use of the phrase last cited, laid the groundwork and was the genesis, for both the sustained-yield and multiple-use policies which have been followed for so many years.

Nevertheless, we believe it to be timely and highly desirable to have a statutory recognition of the multiple-use objectives of the national forests, and to have each of the five major renewable resources referred to specifically and in the same statute as is done in the draft bill.

The order in which the resources or uses are enumerated in the bill is merely alphabetical and has no significance insofar as the relative priority of one resource to another. One of the basic concepts of multiple use is that all of the named resources in general are of equal priority, but the relative values of the various resources on particular or localized areas, and viewed in the broadest public sense, will be considered in the administrative application of management plans.



Statutory recognition of multiple use would serve not only to recognize each of the resources named in the bill, but also as a protection against advocates of single use. With the growing value of national-forest resources, their accelerated use and increased accessibility, the pressures for single use of specific national-forest areas are growing tremendously.

The authority contained in the bill to cooperate with State and local governmental agencies and others in development of the national forests would not be new authority. There are several authorities under which the Department now cooperates in such development, including the Act of March 4, 1913 (37 Stat. 828, 843; 16 U.S.C. 501), the Act of June 30, 1914 (38 Stat. 415, 430; 16 U.S.C. 498), and Section 205 of Title 23 of the United States Code. Cooperation with such State and local agencies has been under way for many years on many national forests and in many ways. Inclusion of such language in the draft legislation would be a statement of Congressional policy urging even more cooperation in the future, and would be in accord with the general policy of the Administration to encourage the development of publicly-owned national resources in collaboration with non-Federal public agencies. It would not supersede existing cooperative authority.

Enactment of this legislation would not increase costs of managing or developing the national forests. It would help to assure attainment of the long-range national-forest objectives described in the "Program for the National Forests" referred to above.

A similar letter is being sent to the President of the Senate.

The Bureau of the Budget advises that there is no objection to the submission of the proposed legislation to the Congress for its consideration.

Sincerely yours,

/s/ E. L. Peterson  
Acting Secretary