

§ 221.2 *Management plans, sustained yields, and community and industrial stability; exportation of national forest timber.* The Chief of the Forest Service shall have prepared and shall approve plans for the disposal of national forest timber, as such plans are found to be necessary, to insure by practicable units the production of a continuous supply of timber for the use and necessities of citizens of the United States. The Chief of the Forest Service will prescribe from time to time the maximum amount of matured and large-growth timber which may be cut by years or other periods on each national forest, and any plan for the disposal of timber shall not be incompatible with the limitations so established for the forest concerned. The Secretary of Agriculture will issue such instructions as may be necessary in specific cases to insure an adequate and permanent supply of forest products for local requirements, or for established industries dependent upon national forest timber, or to promote the welfare of local communities dependent upon national forest operations for employment, or to require that national forest timber suitable for specialized use in the manufacture of products necessary to national defense shall not be diverted to other uses. Unless prohibited by specific instructions from the Secretary of Agriculture, timber lawfully cut on any national forest may be exported from the State or Territory where grown. (44 Stat. 242; 16 U.S.C. 616) [Reg. S-2, Aug. 12, 1936, 1 F.R. 1092, as amended Mar. 25, 1942, 7 F.R. 2319, and Apr. 6, 1945, 10 F.R. 3876]

§ 221.9 *Principles controlling award of advertised timber.* * * *

Bids from parties having direct or indirect common control or association in logging, processing or marketing may be consolidated to the extent deemed necessary by the awarding officer in order to give any other bidder an equitable opportunity, as in cases of tie bids with award by the drawing of lots. [Undesignated paragraph added by Reg. S-9, Amdt., Mar. 13, 1945, 10 F.R. 2835]

PART 231—GRAZING

- Sec.
231.1 Grazing authorizations. [Revised]
231.2 Management of ranges and handling of livestock. [Amended]
231.3 Applications and permits. [Amended]
231.4 Limits and preferences. [Revised]

Sec.

- 231.5 Fees, payments, and refunds. [Amended]
231.7 Cooperation with stockmen. [Revised]

AUTHORITY: §§ 231.1 to 231.7, appearing in this Supplement, issued under 30 Stat. 35, 33 Stat. 628; 16 U.S.C. 551, 472.

SOURCE: §§ 231.1 to 231.7, appearing in this Supplement, contained in Regulations, Assistant Secretary of Agriculture, Dec. 19, 1945, 10 F.R. 15269.

§ 231.1 *Grazing authorizations.* The Chief of the Forest Service is hereby authorized:

(a) To permit the grazing of such numbers and kinds of livestock upon the National Forests or additions thereto as in his judgment is in the public interest.

(b) To refuse renewals of grazing permits in whole or in part where, in his judgment, continued grazing is not in the public interest.

(c) To prescribe the conditions and requirements under which permits will be issued or terminated.

§ 231.2 *Management of ranges and handling of livestock.* (a) Under the general direction of the Chief of the Forest Service, the Forests will be divided into range allotments, the kind and number of livestock to be grazed in each allotment determined, grazing periods established, the entrance of livestock regulated, range allocated among permittees, and efficient methods of range use developed and applied with the intent of obtaining the most equitable and profitable utilization of the forage consistent with its sustained productivity and with the protection of the Forest and other related interests. [Paragraph (a) amended]

* * * * *
§ 231.3 *Applications and permits.*
* * *

(b) * * *

(3) Persons conducting permitted operations on a National Forest for not to exceed ten head of livestock actually needed and used in connection with such operations. [Subparagraph (3) amended]

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CODIFICATION: A period was inserted after "A term permit shall not exceed ten years" in the second sentence of § 231.3 (a) and the rest of the paragraph was deleted.

§ 231.4 *Limits and preferences.* For the purpose of equitable distribution of grazing privileges, the prevention of

monopoly in the use of national-forest ranges, and contributing to the stabilization of the livestock industry, the Chief of the Forest Service shall provide for the establishment for each National Forest or portion thereof, of lower and upper limits in numbers of livestock. He shall also provide for the recognition and waiver of preferences, renewal of permits, approval of nonuse, and admission of new applicants to an extent consistent with the objects of the grazing regulations.

The lower limit will define the number of livestock beyond which a grazing preference will not be allowed to accrue by grant, except when surplus range is available.

The upper limit will define the number of livestock up to which grazing preferences may be consolidated through purchase of base property or permitted livestock or both.

Any grazing preference may be reduced for range protection at any time in any amount justified by range conditions.

No grazing preference for less than the lower limit will be reduced for wider distribution of grazing privileges.

No grazing preferences between the lower and upper limit will be reduced for wider distribution of grazing privileges except in connection with sale or transfer of base property or permitted livestock or both.

The Chief of the Forest Service may authorize the Regional Forester in special cases to suspend the upper-limit restriction against consolidation.

Persons who are full citizens of the United States shall be given preference in the use of national-forest ranges over other persons.

A grazing preference is not a property right. Preferences in the use of national-forest ranges are approved for the exclusive use and benefit of the persons to whom allowed.

Subject to the upper-limit restrictions and the protection and management needs of the range, a purchaser of either the permitted livestock or the base property of a permittee with an established grazing preference may be allowed renewal of preference in whole or in part, provided the purchaser of livestock only actually owns commensurate ranch property and the person from whom the

purchase is made waives his preference to the Government.

Approval of grazing preference on account of purchase of base property or permitted livestock from a permittee who has used the range under temporary permit less than five consecutive years will not be allowed.

Before a grazing preference is renewed on the basis of a waiver, satisfactory evidence must be submitted that the sale of base property or permitted livestock, or both, is bona fide.

Persons who have waived any part of a previously established grazing preference will not be recognized as grantee applicants or granted any increases where such action would (a) necessitate reduction in any established grazing preference; (b) prevent increase in any preference where the holder owns less than the lower-limit number of livestock; or (c) prevent the admission of new applicants.

§ 231.5 Fees, payments, and refunds.

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All grazing fees are payable in advance of the opening date of the grazing period unless otherwise authorized by the Chief of the Forest Service. Crossing fees are payable in advance of entering the National Forest. Failure to comply with the provisions of this regulation will be sufficient cause for denying a grazing or crossing permit. [Sixth paragraph amended]

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§ 231.7 Cooperation with stockmen.

In order to obtain a collective expression of the views and recommendations of national-forest range users concerning the management and administration of national-forest range lands, the Chief of the Forest Service shall provide for the recognition of and cooperation with local, State, and National livestock associations; also for recognition of and cooperation with permittee advisory boards elected by the range users of a subdivision of a National Forest, an entire National Forest, or a group of National Forests. When more than one kind of livestock is permitted to graze on a unit, an advisory board may represent the owners of each kind of livestock or one advisory board may represent all range users.

The recognition of livestock associations and permittee advisory boards shall be under the provisions of § 211.1 of this chapter (Regulation A-9); *Provided*,

That all advisory boards shall be elected by the permittees whom they represent.

Boards representing a subdivision of a National Forest shall consist of not less than three members. Boards representing an entire National Forest or a larger unit shall consist of not less than five members. When satisfactory with the range users, other organizations or groups using resources of the National Forests may designate a representative to serve on livestock advisory boards.

Suggestions and recommendations of advisory boards, which will meet upon call of the chairman of the board or upon call of the local Forest officer, will be obtained and carefully considered upon current grazing programs and upon policy changes well in advance of their adoption by the Forest Service. Advisory boards also will be given the opportunity to review any matters affecting the interests of one or more users of national-forest range upon request of the individual or individuals affected.

Duly recognized permittee advisory boards may consider grazing complaints and appeals and make recommendations thereon; *Provided*, That in appeal cases the procedure under § 211.2 of this chapter (Regulation A-10) may be followed if preferred by the appellant.

Associations or advisory boards representing a majority of permittees of a National Forest, or a subdivision thereof, may pass special rules designed to obtain economy of operation, improved grades of livestock, larger natural increases, and similar improved practices which, when approved by the designated Forest officer, will be binding upon all permittees using the range for which the rule has been approved. Failure on the part of a permittee to comply with an approved special rule may be considered sufficient cause to deny his permit or revoke his preference in whole or in part.

PART 251—LAND USES

SPECIAL USE PERMITS

- Sec.
- 251.1 Special use permits, archaeological permits, leases, and easements; general conditions. [Amended]
- 251.5 Permits for roads and trails. [Revised]

RIGHTS-OF-WAY FOR ELECTRIC POWER TRANSMISSION LINES [AMENDED]

- 251.50 Definitions.
- 251.51 By whom granted.
- 251.52 General conditions.

- Sec.
- 251.53 Acceptance required.
- 251.54 Consideration of application.
- 251.55 Contents and filing of application.
- 251.56 Extension of construction period.
- 251.57 Annual charges.
- 251.58 Transfer of easement.
- 251.59 Deviations during construction.
- 251.60 Forfeiture or annulment of easement.
- 251.61 Abandonment with approval of the Chief or Acting Chief of the Forest Service.
- 251.62 Remedies upon breach by grantee.
- 251.63 Removal of transmission line upon forfeiture, annulment or abandonment.
- 251.64 Modification of easement.

SPECIAL USE PERMITS

§ 251.1 *Special use permits, archaeological permits, leases, and easements; general conditions.* * * *

The Chief of the Forest Service is also authorized to issue permits, execute leases, and grant easements as follows:

Permits under the act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431, 432), for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity in conformity with the uniform rules and regulations prescribed by the Secretaries of the Interior, Agriculture, and War, December 28, 1906 (43 CFR 3.1 to 3.17).

Leases of land under the act of February 28, 1899 (30 Stat. 908; 16 U.S.C. 495), in such form and containing such terms, stipulations, conditions, and agreements as may be required in the public interest.

Easements for rights-of-way for telephone and telegraph lines under the provisions of the act of March 4, 1911 (36 Stat. 1253; 16 U.S.C. 420), subject to such payments as may be equitable and to such stipulations as may be required for the protection and administration of the national forests.

CODIFICATION: The headnote of § 251.1 was amended to read as set forth above, the 8th and 9th paragraphs were deleted, and the paragraphs set forth above were substituted in lieu thereof, by Regulation, Secretary of Agriculture, Feb. 21, 1945, 10 F.R. 2193.

§ 251.5 *Permits for roads and trails.* Rights-of-way over national forest land for State or county highways or roads which are a part of an approved system of public roads shall be 132 feet in width in the case of Federal Aid and State highways and 66 feet in width in the case of county and community roads or