Organic Administration Act

- Act of June 4, 1897 (Ch. 2, 30 Stat. 11, as amended; 16 U.S.C. 473-475, 477-482, 551)

Creating National Forests

The President of the United States is authorized to create national forests and administer them consistent with the provisions of the act of June 4, 1897, by the order for which he shall make proclamation, declare the establishment of the forest, and all executive orders and proclamations originating as part of the act. No national forests shall be created, and all Executive orders and proclamations originated as part of this act are declared inoperative as respects such survey. A copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the Bureau of Land Management.

Use of Timber and Stone

The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such national forests may be located. (16 U.S.C. 477)

Access

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including the right of prospecting, locating, and developing the mineral resources thereof. Such persons must comply with the rules and regulations covering such national forests. (16 U.S.C. 479)

Sites for Schools and Churches

The settlers residing within the exterior boundaries of National Forests, or in the vicinity thereof, may maintain schools and churches.
within such national forests, and for that purpose may occupy any part of the said national forests, not exceeding two acres for each schoolhouse and one acre for a church. (16 U.S.C. 479)

Civil and Criminal Jurisdiction

The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their right and privileges as citizens or be absolved from their duties as citizens of the State. (16 U.S.C. 480)

Water use

All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder. (16 U.S.C. 481)

Mining location and entry

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days notice thereof, published in two papers of general circulation in the State or Territory wherein any national forest is situated, and near the said national forests, any public lands embraced within the limits of any such forest which, after due examination by personal inspection of a competent person appointed for the purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained. (16 U.S.C. 482)

Rules and Regulations

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of the Act of March 3, 1891, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished by a fine of not more than $500 or imprisonment for not more than six months, or both. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States magistrate specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401(b) to (e) of Title 18. (16 U.S.C. 551)

Note—Authority to issue permits for rights-of-way was repealed by section 706(a) of the Federal Land Policy and Management Act of 1976. The language does not change but FLMPA precluded issuance of permits for Rights-of-Way under this section.