

## Granger-Thye Act

- Act of April 24, 1950 (Ch. 97, 64 Stat. 82; 16 U.S.C. 490, 504, 504a, 555, 557, 571c, 572, 579a, 580c-580l, 581i-l)

Sec. 1. Notwithstanding the provisions of existing law and without regard to section 355, Revised Statutes, as amended 940 U.S.C. 255), but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: Provided, That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right of use the land. (16 U.S.C. 571c)

### Procurement of Nursery Stock

Sec. 2. That so much of the Act of June 30, 1914 (38 Stat. 415, 429, 16 U.S.C. 504), as provides: "That hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest and when the cost thereof will not exceed \$500:", is hereby amended to read as follows: "That the provisions of section 3709, Revised Statutes (41 U.S.C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest". (16 U.S.C. 504)

### Purchase of Experimentation Equipment

Sec. 3. The provisions of section 3709, Revised Statutes (41 U.S.C. 5), shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the

designing or developing of new equipment: Provided, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed \$10,000 on any one item or purchase. (16 U.S.C. 580c)

#### Aerial Operation Procurement

**Sec. 4.** Section 205 of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 736), as amended by the Act of April 24, 1950 (64 Stat. 82), is hereby further amended to read as follows:

"**Sec. 205.** The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests and other lands administered by it, including the furnishing, at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising." (16 U.S.C. 579a)

#### Assisting to Perform Work on Other Jurisdictions

**Sec. 5.** Section 1 of the Act of March 3, 1925 (43 Stat. 1132; 16 U.S.C. 572), is hereby amended to read as follows:

"**Sec. 1.** (a) The Secretary of Agriculture is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost of the work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: Provided, That the United States shall not be liable to the depositor or land-owner for any damage incident to the performance of such work.

"(b) Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

"(c) Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is hereby made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them

in excess of their share of said cost: Provided, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: Provided further, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost and the funds received as reimbursement shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: Provided further, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share". (16 U.S.C. 572)

#### Deposits From Timber Purchasers

Sec. 6. So much of the Act of August 11, 1916 (39 Stat. 446, 462; 16 U.S.C. 490), as provides: "That hereafter deposits may be received from timber purchases in such sums as the Secretary of Agriculture may require to cover the cost to the United States of [disposing] of brush and other debris resulting from cutting operations in sales of national forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost.", is hereby amended to read as follows: "Purchasers of national forest timber may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is hereby appropriated and shall remain available until expended: Provided, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest-reserve fund, to be credited to the receipts of the year in which such transfer is made". (16 U.S.C. 490)

#### Federally Owned Structures and Improvements

Sec. 7. The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding thirty years as determined by him, is hereby authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith: Provided, That as all or a part of the consideration for permits issued under this section, the Secretary may require the permittees at their expense to recondition and maintain the structures and land to a satisfactory standard. (16 U.S.C. 580d)

#### Providing Meals and Lodging to Other Than Employees

Sec. 8. The Secretary of Agriculture is authorized to furnish persons attending Forest Service demonstrations, and users of national forest resources and recreational facilities, with meals, lodging, bedding, fuel, and other services, where such facilities are not otherwise available, at rates approximating but not less than the actual or estimated cost thereof and to deposit all moneys received therefor to the credit of the appropriation from which the cost thereof is paid, or a similar appropriation current at the time the moneys are received; Provided, That such receipts obtained in excess of \$10,000 in any one fiscal year shall be deposited in the Treasury as miscellaneous receipts. (16 U.S.C. 580e)

#### Sales of Nursery Stock

Sec. 9. The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: Provided, That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed or nursery stock of the same or different species upon a determination that such exchange does not exceed the value of the property received: Provided further, That no nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nursery men. (16 U.S.C. 504a)

### Telephone Installation

Sec. 10. Notwithstanding the provisions of section 7 of the Act of August 23, 1912, as amended (31 U.S.C. 679), appropriations for the protection and management of the national forests and other lands administered by the Forest Service shall be available to pay for telephone service installed in residences of employees and of persons cooperating with the Forest Service who reside within or near such lands when such installation is determined by the Secretary of Agriculture to be needed in protecting such lands: Provided, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business. (16 U.S.C. 580f)

### Leasing Range Land for Reseeding

Sec. 11. Whenever such action is deemed to be in the public interest, the Secretary of Agriculture is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective fencing of public range land (other than national forest land) and privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease or agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: Provided, That payment may not be made under authority of this section for the seeding of more than one thousand acres in any one private ownership: Provided further, That payment may not be made under authority of this section for the seeding of more than twenty-five thousand acres in any one fiscal year: Provided further, That the period of any lease under this authority may not exceed twenty years. (16 U.S.C. 580g)

### Use of Grazing Receipts for Range Improvements

Sec. 12. Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forest, under such regulations as the Secretary of Agriculture may prescribe,

for (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range. (16 U.S.C. 580h)

#### Land Acquisition for Buildings

Sec. 13. Section 5 of the Act of March 3, 1925 (43 Stat. 1133; 16 U.S.C. 555), is hereby amended to read as follows:

"Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase such lands out of the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: Provided, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: Provided further, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority." (16 U.S.C. 555)

#### Funds Authorized to be Appropriated

Sec. 14. There are hereby authorized to be appropriated--

(a) such sums as may be necessary for the acquisition of parcels of land and interests in land in Sanders County, Montana, needed by the Forest Service to provide winter range for its saddle, pack, and draft animals;

(b) not to exceed \$50,000 for the acquisition of additional land adjacent to the present site of the Forest Products Laboratory at Madison, Wisconsin; and

(c) not to exceed \$25,000 for the acquisition of one helicopter landing site in southern California. Land acquired under this section may be subject to such reservations and outstanding interests as the Secretary of Agriculture determines will not interfere with the purpose for which acquired. (16 U.S.C. 580i)

#### Assistance to Disabled Transient Employees

Sec. 15. Section 6 of the Act of March 3, 1925 (43 Stat. 1133; 16 U.S.C. 557), is hereby amended by substituting a colon for the period at the end thereof and

adding the following: "Provided, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed." (16 U.S.C. 557)

#### Benefits to Injured Employees

Sec. 16. Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by the United States Employees' Compensation Act, as amended (5 U.S.C. 8102 and the following), when the injured person is in need of immediate financial assistance to avoid hardship: Provided, That such payment shall not be made for a period in excess of fifteen days and the United States Employees' Compensation Commission shall be notified promptly of the amount so paid, which amount shall be deducted from the amount, if any, otherwise payable by the United States Employees' Compensation Commission to the employee on account of the injury, the amount so deducted by the Commission to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: Provided further, That when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States, pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation Act: Provided further, That determination by the Forest Service that payment is allowable under this section shall be final as to payments made hereunder, but such determination or payments with respect to employees shall not prevent the United States Employees Compensation Commission from denying further payments should the Commission determine that compensation is not properly allowable under the provisions of the Employees' Compensation Act. (16 U.S.C. 580j)

Sec. 17. (a) Section 2 of the Act of March 3, 1925 (43 Stat. 1132; 16 U.S.C. 571); the second proviso in section 1 of the Act of May 22, 1928 (45 Stat. 699; 16 U.S.C. 581); and section 1 of the Act of May 27, 1930 (46 Stat. 387; 16 U.S.C. 573), are hereby repealed.

(b) The second proviso in section 13 of the Act of March 1, 1911 (36 Stat. 961, 963), is hereby repealed.

#### Advisory Boards

Sec. 18. (a)(1) To provide national forest grazing permittees means for the expression of their recommendations concerning the management and administration of national forest grazing lands, a local advisory board shall be constituted and elected as hereinafter provided for each national forest or administrative subdivision thereof whenever a majority of the grazing permittees of such national forest or administrative subdivision so petitions the Secretary of Agriculture. Each elected local advisory board existing for such purpose at the time of the enactment of this Act, and recognized as such by the Department of Agriculture, shall continue to be the local advisory board for the unit or area it represents, until replaced by a local advisory board or boards constituted and elected as hereinafter provided.

(2) Each such local advisory board shall be constituted and elected under rules and regulations, consistent herewith, now or hereafter approved by the Secretary of Agriculture, and shall be recognized by him as representing the grazing permittees of the national forest or administrative subdivision thereof for which such local advisory board has been constituted and elected.

(3) Each such local advisory board shall consist of not less than three nor more than twelve members, who shall be national forest grazing permittees in the area for which such board is constituted, elected, and recognized. In addition, a wildlife representative may be appointed as a member of each such board by the State game commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

(4) Each such local advisory board shall meet at least once annually, at a time to be fixed by such board, and at such other time or times as its members may determine, or on the call of the chairman thereof or of the Secretary of Agriculture or his authorized representative.

(b) Upon the request of any party affected thereby, the Secretary of Agriculture, or his duly authorized representative, shall refer to the appropriate local advisory board for its advice and recommendations any matter pertaining to (1) the modification of the terms, or the denial of a renewal of, or a reduction in, a grazing permit,

or (2) the establishment or modification of an individual or community allotment. In the event the Secretary of Agriculture, or his duly authorized representative, shall overrule, disregard, or modify any such recommendations, he, or such representative, shall furnish in writing to the local advisory board his reasons for such action.

(c)(1) At least thirty days prior to the issuance by the Secretary of Agriculture of any regulation under this Act or otherwise, with respect to the administration of grazing on national forest lands, or of amendments or additions to, or modifications in, any such regulation, which in his judgment would substantially modify existing policy with respect to grazing in national forests, or which would materially affect preferences of permittees in the area involved, the local advisory board for each area that will be affected thereby shall be notified of the intention to take such action. If as result of this notice the Secretary of Agriculture shall receive any recommendation respecting the issuance of the proposed regulation and shall overrule, disregard, or modify any such regulations, he or his representative shall furnish in writing to the local advisory board his reasons for such action.

(2) Any such local advisory board may at any time recommend to the Secretary of Agriculture, or his representative, the issuance of regulations or instructions relating to the use of national forest lands, seasons of use, grazing capacity of such lands, and any other matters affecting the administration of grazing in the area represented by such board. (16 U.S.C. 580k)

#### Permits

Sec. 19. The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding ten years and renewals thereof: Provided, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources. (16 U.S.C. 580j)

#### Cooperative Forestry Research

Sec. 20. For the purpose of fostering and stimulating participation with the Forest Service in forest, range, and watershed management research through investigations, experiments, tests, or such other means as he may deem advisable, and in order to aid in obtaining the fullest cooperation from States and other public and private

agencies, organizations, institutions, and individuals, in effectuating such research the Secretary of Agriculture is authorized in accordance with such regulations as he may issue and when in his judgment such cooperative work will be stimulated or facilitated to make funds available to the cooperators without regard to the provisions of section 529 of Title 31, prohibiting advances of public moneys. (16 U.S.C. 581i-1)