FOREST SERVICE ORGANIC ADMINISTRATION ACT OF 1897

16 U.S.C. §§ 473-478, 479-482 and 551, June 4, 1897, as amended 1905, 1911, 1925, 1962, 1964, 1968 and 1976.

Overview. This Act is the original organic act governing the administration of national forest lands. Today, it is one of several federal laws under which the U.S. Forest Service operates, the primary ones being the Multiple-Use Sustained-Yield Act of 1960 (MUSYA) and the National Forest Management Act of 1976 (NFMA). While the Organic Act remains significant, it must be read in conjunction with the later acts, which expand the purpose and uses of the national forests. MUSYA and NFMA are summarized separately in this Handbook.

Purposes for Establishing and Administering National Forests. Public lands set aside and reserved as national forests under 16 U.S.C. § 471 (an 1891 law authorizing the President to establish national forests, repealed in 1976) must be controlled and administered, to the extent practical, in accordance with the Act. The Act provides that no national forest may be established except to improve and protect the forest, or to secure favorable conditions of water flows, and to furnish a continuous supply of timber. The Act is not intended to authorize the inclusion within national forests of lands that are more valuable for mineral or agricultural purposes. § 475.

Use and Regulation of National Forests. The Secretary of Agriculture may issue regulations permitting settlers, miners, residents and prospectors the free use of timber and stone in national forests for domestic purposes. The Act permits access to national forests for all lawful purposes, including prospecting and locating and developing mineral resources. Settlers may use land within national forests for schools and churches. Waters within national forest boundaries may be used for domestic, mining, milling or irrigation purposes, as governed by state or federal law. States have civil and criminal jurisdiction over persons within national forests, except for violations of federal law. §§ 477-478 and 479-481.

The Act requires the Secretary of Agriculture to protect national forests from fire and depredations. The Secretary may make regulations and establish services necessary to regulate the occupancy and use of national forests and preserve them from destruction. Persons violating the Act or regulations adopted under the Act are subject to fines or imprisonment, or both. § 551.

Editor's Note. Section 551 of the Act was repealed by the Federal Land Policy and Management Act of 1976 to the extent the action applied to the issuance of rights-of-way over, upon, under and through public lands and lands in the National Forest System. See 43 U.S.C. § 1701 note.

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