

SD
426
A5
19118



Class _____

Book _____

United States Department of Agriculture,

U. S. FOREST SERVICE.

HENRY S. GRAVES, Forester.

PURCHASE OF LAND UNDER THE WEEKS LAW IN THE SOUTHERN APPALACHIAN AND WHITE MOUNTAINS.

GENERAL INFORMATION.

The act of Congress approved March 1, 1911 (Public, No. 435), created a National Forest Reservation Commission and authorizes the acquisition of lands on the watersheds of navigable streams for the purpose of conserving their navigability. The Secretary of Agriculture is authorized and directed to examine, locate, and recommend to the Commission for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and he is authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said Commission. The full text of the law is to be found on page 7.

The general purpose of this law is to secure the maintenance of a perpetual growth of forest on the watersheds of navigable streams where such growth will materially aid in preventing floods, in improving low waters, in preventing erosion of steep slopes and the silting up of the river channels, and thereby improve the flow of water for navigation.

While the improvement of the flow of navigable streams is the fundamental purpose, other benefits incidental in character but nevertheless important will be kept in view. Among these are (1) protection against disastrous erosion of the soil on mountain slopes and against the destruction of the soil and soil cover by forest fires; (2) preservation of water powers, since, like navigation, they depend for their value upon the evenness of streamflow; (3) preservation of the purity and regularity of flow of the mountain streams, with a view to their use for the water supply of towns and cities; (4) preservation of a timber supply to meet the needs of the industries of the country; (5) preservation of the beauty and attractiveness of the uplands for the recreation and pleasure of the people.

Aside from its application to the watersheds of navigable streams, the law is not restricted to particular regions, except

Restrictions. that lands may be purchased only in the States whose legislatures have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams. The States which have passed such legislation and in which purchases are now contemplated are: Maine, New Hampshire, Maryland, Virginia, West Virginia, North Carolina, Tennessee, South Carolina, and Georgia.

The sources of the navigable streams which have their origin in the Rocky Mountains or the mountains nearer the Pacific coast are already to a large extent protected by National Forests. The Appalachian Mountains, including the White Mountains, are for the most part without such protection. Because of their altitude, steepness, and lack of protection they are in a class by themselves in their need for the action authorized under this law.

The first lands to be examined for purchase will therefore be in this region. The area needing protection in the Appalachians is very large. It is far larger than can be purchased with the funds appropriated under this law. Much difference exists, however, in the character of the lands in different parts of the region. Mountains are higher, slopes steeper, rainfall heavier, and the soil more easily washed in some sections than in others.

First examinations to be limited to Appalachian and White Mountain regions.

Careful examinations made during the past 10 years in practically all parts of the Appalachian region have proven that the conditions which affect streamflow to an extreme extent are to be found in relatively limited areas. These areas are scattered more or less widely. By careful selection of the tracts it will be possible to do much for the permanent improvement of the watersheds by the purchase of only a part of the mountainous region.

Purchases to be recommended only in certain areas.

Within these areas not all, and in some cases not a very large proportion, of the land will be needed by the Government for the purpose in view. Just what lands should be purchased will be determined in every case as a result of a careful examination.

Some of the important areas are already known, and the purpose of this circular is to invite proposals for the sale of lands within them. A list of such areas is to be found on page 4, and a blank form and an official envelope to be used in making proposal for sale accompany this circular. Additional copies of the blank may be had upon application to the Forester, Forest Service, Washington, D. C. The blank should be accurately and fully filled out and mailed, securely sealed in the envelope. If

Proposals for sale invited.

A. J. D.
MAY 17 1912

possible, a map showing the boundaries of the tract should be submitted with the proposal for sale. If the proposal is satisfactory, the Secretary of Agriculture will expect the owner to execute to him an option on the land for a reasonable length of time.

Lands of the following classes will be considered for purchase when they lie within a designated area: (1) Timbered lands, including both land and timber; or the land, with the timber reserved to the owner under rules of cutting to be agreed upon at the time of sale; (2) cut-over or culled lands; (3) brush or burned land not bearing merchantable timber in quantity, but covered with a growth of brush which is useful for watershed protection, and burned land whether covered with young timber growth or not; (4) abandoned farm land, whether remaining cleared or partially covered by timber growth. Good agricultural lands will not be considered.

Where valuable mineral deposits are known to exist, the right to remove such deposits may be reserved to the owner, under conditions to be agreed upon, such conditions to be incorporated in the written instrument of conveyance.

Lands lying within the designated areas can not be recommended for purchase unless examination by the United States Geological Survey shows that their control will promote or protect the navigation of streams on whose watersheds they lie.

Lands proposed at exorbitant prices will not be considered. The holding of land at too high a price in any of the areas will prevent the Government from undertaking purchases within it.

No limitation is put upon the size of tracts to be proposed for sale. Proposals will be received for small as well as for large tracts within the areas designated, but small tracts can only be examined when they lie adjacent to or near large tracts which are being examined or where the aggregate of all tracts offered for sale is sufficient to justify an examination.

The right of any landowner to deal through an agent is, of course, recognized. The placing of lands in agents' hands, however, is unnecessary, as the owners themselves may deal direct with the Government.

The lands purchased by the Government under this law are to be included in National Forests. Such Forests will in no way interfere with hunting and fishing within the areas. The laws of the States in which the Forests are located will apply as at present and the Forests will be open to anyone and everyone. The use of the Forests for all reasonable purposes, including recreation, will be encouraged.

S 114-26
A5
19118

S. J. Memorial 2/21

In general the procedure in making purchases will be as follows:

Procedure in making purchases. (1) The filing of proposal for sale of land by the owner or owners.

(2) Examination of lands. This examination will usually include a careful estimate of whatever timber is standing upon the tract, an estimate of the value of the tract as a whole for the production of timber, and the determination of its importance in regulating the flow of navigable streams.

(3) Approval of lands for purchase by the National Forest Reservation Commission and the fixing of the purchase price or prices. Approval for purchase is given only after recommendation has been made by the Secretary of Agriculture on the basis of the field examinations.

(4) Final negotiations with the owner or owners of lands as to terms of sale.

(5) Examination of title.

(6) Actual conveyance of the title of the land by the owner to the Government and payment therefor by the Government to the owner.

AREAS WITHIN WHICH PROPOSALS FOR SALE ARE INVITED.

The areas roughly designated in the following descriptions have been selected as those within which proposals will first be invited. Lands chiefly valuable for agriculture are not desired, and where such lands occur within the areas described they will not be recommended for purchase, unless such lands occur in such small scattered areas that their exclusion would be impracticable.

WHITE MOUNTAIN AREA, NEW HAMPSHIRE AND MAINE.

Lands on the Carter-Moriah Range of Mountains in the townships of Shelburne and Gorham, on the Presidential Range in the townships of Gorham and Randolph, on Cherry Mountain and the Dartmouth Range in the township of Carroll, and lands in the Low and Burbank Grant, Thompson and Meserve Purchase, Bean Purchase, Martin Location, Green Grant, Pinkham Grant, Bean Grant, Cutts Grant, Sargent Purchase, and Hadley Purchase, in the county of Coos in the State of New Hampshire; lands on the Franconia Range of Mountains, the Little River Mountains and the Rosebrook Mountains in the township of Bethlehem, the Franconia Range of Mountains in the townships of Franconia and Easton, on Mount Mousilauke, Mount Kineo and Mount Carr, in the township of Warren, on Mount Carr in the townships of Wentworth and Rumney, and Black Hill and Mount Kineo in the township of Ellsworth; lands above an altitude of 1,000 feet in the township of Woodstock; lands east of the Pemigewasset River in the township of Thornton; and lands in the townships of Benton, Waterville, Lincoln, and Livermore in the county of Grafton

in the State of New Hampshire; lands above an elevation of 1,000 feet in the townships of Chatham, Jackson, Bartlett, and Albany, and on the Sandwich Range of Mountains in the township of Sandwich in the county of Carroll in the State of New Hampshire; and lands in Batchelders Grant in the county of Oxford in the State of Maine.

YOUGHIOGHENY AREA, MARYLAND.

Lands in Garrett County, situated on the main watershed of the Youghiogheny River between the towns of Oakland and Friendsville, west of Hooppole Ridge and Negro Mountain.

POTOMAC AREA, VIRGINIA AND WEST VIRGINIA.

Lands in Virginia situated in Shenandoah County west of Stony Creek and Little North Mountain and south of Capola Mountain; lands in Rockingham County west of Little North Mountain and north of Slate Springs and Rawley Springs; lands in West Virginia in Pendleton County east of Moorefield River and north of Little Fork; lands in Hardy County east of Moorefield River and south of North River.

MONONGAHELA AREA, WEST VIRGINIA.

Lands situated in Randolph County, on the watersheds of Dry Fork, Laurel Fork, Glady Fork, and Shavers Fork, and on the watersheds of the eastern tributaries of Valley River south of the town of Elkins, and on the watershed of the West Fork of Greenbrier River; in northern Pocahontas County, lands situated on the watershed of Greenbrier River west of East Fork and Deer Creek, and north of the junction of the Greenbrier River and North Fork; and lands on the upper watershed of Shavers Fork of Cheat River.

MASSANUTTEN MOUNTAIN AREA, VIRGINIA.

Lands in Rockingham, Shenandoah, Warren, and Page Counties, situated between the North and South Forks of Shenandoah River, comprising in general Massanutten Mountain north of McGaheysville post office and south of Waterlick post office.

NATURAL BRIDGE AREA, VIRGINIA.

Lands situated on the Blue Ridge and outlying mountains in Northern Bedford County; in Botetourt County east of Buchanan and south of the James River; and in Rockbridge County south of the James River.

WHITE TOP AREA, TENNESSEE AND VIRGINIA.

Lands comprising the main ranges of the Iron Mountains in northeastern Johnson County, Tenn., and eastward through Washington, Smyth, Grayson, and Wythe Counties, Va.

YADKIN AREA, NORTH CAROLINA.

Lands in Wilkes, Caldwell, and Watauga Counties, situated on streams flowing into the Yadkin River from the north lying west of the post offices of Louis Fork, Purlear, Mulberry, and Hall Mills.

MOUNT MITCHELL AREA, NORTH CAROLINA.

Lands in Buncombe County situated on the Great Craggy Mountains; lands in Yancey County situated on the Black Mountains and South Toe River watershed south of the post office of Micaville; lands in McDowell County situated north of the main branch and west of the North Fork of the Catawba River; and lands in southwestern Mitchell County south of Brush Creek and west of Mica post office.

SMOKY MOUNTAIN AREA, NORTH CAROLINA AND TENNESSEE.

Lands in North Carolina situated in Haywood County north and west of Jonathan Creek and west of Pigeon River below the mouth of Jonathan Creek; in Swain County north of the Little Tennessee and Tuckasegee Rivers; lands in Tennessee in Cocke County south of Denny Mountain and the Big Pigeon River; in Sevier County south of Chestnut Ridge, Galtinburg post office, and Cove Mountain; and in Blount County south of Roundtop Mountain and Tuckaleeche post office and east of Hesse Creek and Abram Creek.

PISGAH AREA, NORTH CAROLINA.

Lands situated in Jackson County north of Little Hogback Mountain, Laurel Mountain, Sheep Cliff, and Shortoff Mountain, and east of Buck Knob, East Laport post office, and Carver Mountain, and south of the Asheville and Murphy Branch of the Southern Railroad; lands in Haywood County south of Pinnacle Knob, Snaggy Ridge, and the post offices of Three Forks, Cecil, Retreat, and Cruso; lands in Buncombe County south of Dunsmore post office and Stony Knob; lands in Henderson County west of Seniard Mountain and Buck Knob; and lands in Transylvania County north of the Hendersonville and Lake Toxaway Branch of the Southern Railroad, and Lake Toxaway, and west of the Boylston Creek.

NANTAHALA AREA, NORTH CAROLINA AND TENNESSEE.

Lands in North Carolina in Swain County west of Little Tennessee River; lands in Macon County on the Nantahala Mountains and the watershed of the Nantahala River; lands in Clay County on Valley River Mountains, Tusquitee Mountain, Vineyard Mountain, and Chunky Gal Mountain; lands in Cherokee County on Valley River Mountains, Snowbird Mountains, and Unaka Mountains; lands in Graham County south of the Little Tennessee River; lands in

Tennessee in Monroe County south and east of Salt Spring Mountain, Sassafras Mountain, and on the watershed of Tellico River above the mouth of Wild Cat Creek.

SAVANNAH AREA, GEORGIA AND SOUTH CAROLINA.

Lands situated in Rabun and Habersham Counties, Ga., and in Oconee County, S. C., on the watershed of the Chattooga River above Ramsey Ferry; in Oconee County, S. C., on the watershed of the Chauga River; in Rabun County, Ga., on the watershed of the Tallulah River, south of Plumorchard Creek; in Habersham and White Counties, Ga., on the watersheds of Soque and Chattahoochee Rivers north of Pinnacle Mountain, Grimes Nose, and Yellow Mountain.

[PUBLIC—No. 435.]

[H. R. 11798.]

AN ACT To enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That there is hereby appropriated, for the fiscal year ending June thirtieth, nineteen hundred and ten, the sum of one million dollars, and for each fiscal year thereafter a sum not to exceed two million dollars for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the thirtieth day of June, nineteen hundred and fifteen.

SEC. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two members of the Senate, to be selected by the President of the Senate, and two members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this Act, and to fix the price

or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 6. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 8. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

SEC. 9. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 10. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this Act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 11. That, subject to the provisions of the last preceding section, the lands acquired under this Act shall be permanently reserved, held, and administered as

national forest lands under the provisions of section twenty-four of the Act approved March third, eighteen hundred and ninety-one (volume twenty-six, Statutes at Large, page eleven hundred and three), and Acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this Act into such specific national forests and so designate the same as he may deem best for administrative purposes.

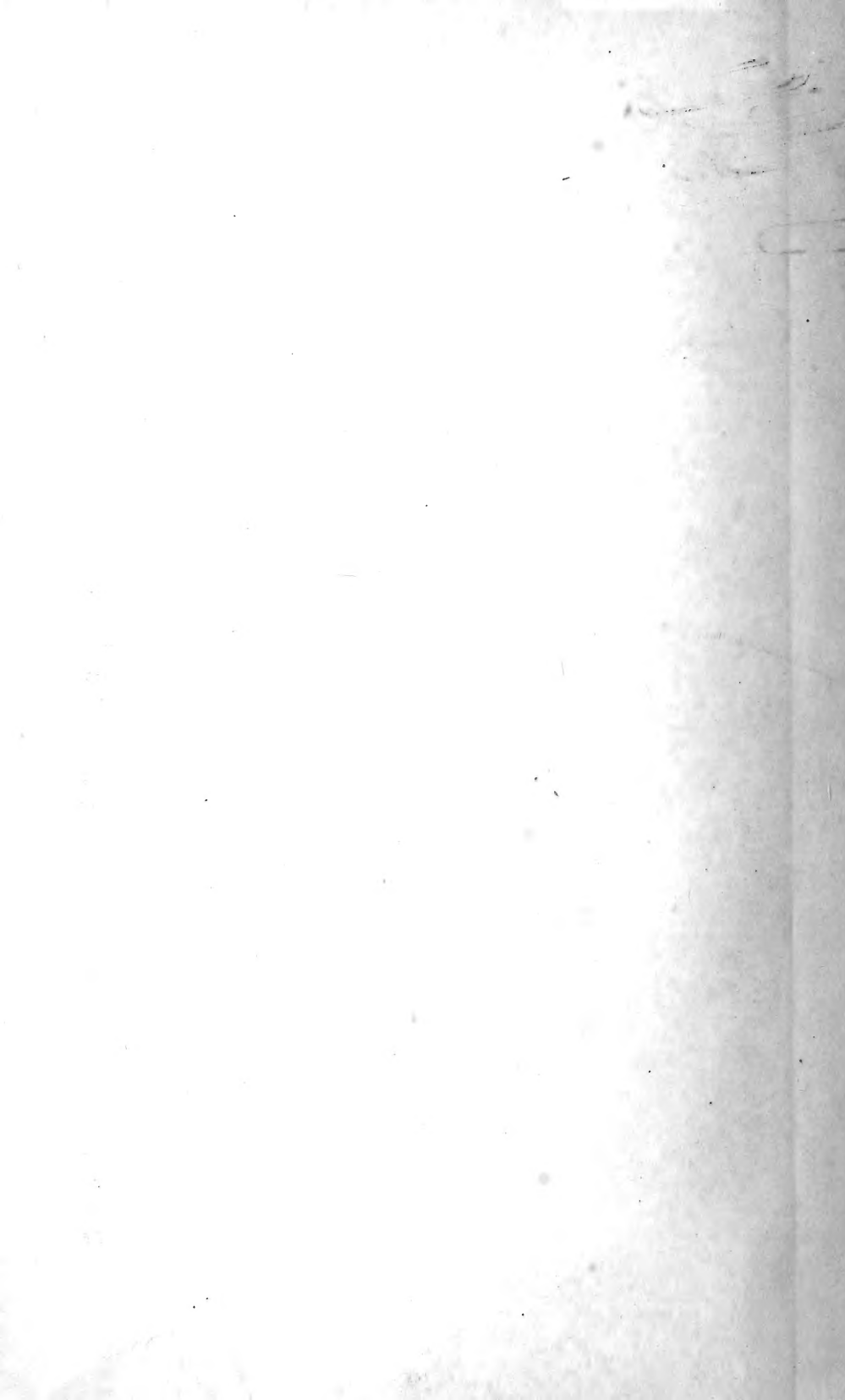
SEC. 12. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

SEC. 13. That five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such county from all other sources.

SEC. 14. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of twenty-five thousand dollars, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Approved, March 1, 1911.





Gaylord Bros.
Makers
Syracuse, N. Y.
PAT. JAN. 21, 1908

LIBRARY OF CONGRESS



00008970038