



Larch Occasional Paper #27

February 2022

Presidential Authority to Proclaim National Wildlife Areas Within the National Forest System

by Andy Kerr

Abstract

In 1916, for certain kinds of national forest lands (mostly) in the East—and then in 1934 for the rest of the national forests—Congress authorized the president to establish special areas for the protection of certain kinds of wildlife (game animals, game birds, and game fish). From Woodrow Wilson to Harry Truman, most presidents used this authority granted by Congress. Such authority is still on the statute books and could be revived by a current president to significantly elevate the conservation status of large areas within the National Forest System. No additional Act of Congress is required. This paper reviews the statutory authority and past delegated executive actions and suggests language for a modern administrative rule. If accompanied concurrently by an administrative mineral withdrawal, proclaiming national wildlife areas could contribute to the national goal of conserving 30 percent of nature by 2030 (30x30).

Table of Contents

Introduction

The Two Types of National Forest Lands

Congressional Authorizations: Forest-Specific and General

The Parade of Presidential Proclamations

Game Animals, Game Birds, and Game Fish

Using the National Wildlife Area Authority in the Twenty-First Century

 Step 1: Promulgate an Administrative Rule

 Step 2: Recommend NWAs to Be Proclaimed

 Step 3: Promptly Request Mineral Withdrawals

Conclusion

List of Figures

Figure 1. Entrance to Ocala National Game Refuge, Florida, in 1969

Figure 2. Forest Service regulations and public information for the Pisgah National Game Preserve, 1917

Figure A-1. In the North Kaibab Unit of the Grand Canyon Forest Reserve

Figure C-1. Much of the Norbeck Wildlife Reserve is now within the Black Elk Wilderness.

Figure D-1. The Sheep Mountain Game Refuge, Wyoming

Figure E-1. The Castles National Natural Landmark, within the area authorized for proclamation as a national wildlife area

Figure F-1. Tahquitz Peak in the Tahquitz National Game Preserve
 Figure O-1. White Rock Mountain in the Black Mountain National Game Refuge
 Figure P-1. Haw Creek Falls in the Haw Creek National Game Refuge
 Figure Q-1. Part of the Sylamore Experimental Forest overlaps with the Livingston National Game Refuge.
 Figure R-1. By 1995, the Moccasin Gap Horse Trail outranked the Moccasin Gap National Game Refuge.
 Figure S-1. Caney Creek Wilderness
 Figure U-1. Part of the Cherokee National Game Refuge No. 1 is now in the Big Frog Wilderness.
 Figure V-1. The Ocala National Game Refuge entrance
 Figure W-1. The Virginia Wilderness Committee is proposing the greater Big Levels Area as a national scenic area.
 Figure X-1. The Pigeon Creek National Game Refuge doesn't show up on the map but the Hogan Mountain Walk-In Turkey Hunting Area does.
 Figure Y-1. Along the Ouachita National Recreation Trail in the Ouachita National Wildlife Preserve
 Figure Z-1. Big John Dick Mountain in the Noontootly National Game Refuge
 Figure AA-1. The National Catahoula Wildlife Management Area near Highway 472 Camp
 Figure BB-1. Some of the Red Dirt National Wildlife Management Preserve has been given over to the Kisatchie Hills Wilderness.
 Figure CC-1. The Little Wambaw Swamp Wilderness in the Francis Marion National Forest Wildlife Preserve

List of Maps

Map A-1. Evolution of protective designations toward the Grand Canyon National Park of today
 Map A-2. Grand Canyon National Game Preserve on the Tusayan Ranger District, Kaibab National Forest
 Map A-3. Grand Canyon National Game Preserve on the North Kaibab Ranger District, Kaibab National Forest
 Map C-1. Norbeck Wildlife Preserve on the Black Hills National Forest, SD
 Map C-2. Norbeck Wildlife Preserve outside of the Black Elk Wilderness
 Map D-1. Sheep Mountain Game Refuge on the Medicine Bow National Forest, WY
 Map E-1. Certain national forest lands on a portion of the Sioux Ranger District of the Custer National Forest, SD
 Map F-1. Tahquitz Game Preserve on the San Bernardino National Forest, CA
 Map L-1. Grand Canyon National Game Preserve on the Kaibab National Forest, AZ
 Map M-1. Pisgah National Game Preserve on the Pisgah National Forest, NC
 Map N-1. Barkshead National Game Refuge on the Ozark National Forest, MO
 Map O-1. Black Mountain National Game Refuge on the Ozark National Forest, MO
 Map P-1. Haw Creek National Game Refuge on the Ozark National Forest, MO
 Map Q-1. Livingston National Game Refuge on the Ozark National Forest, MO
 Map R-1. Moccasin National Game Refuge on the Ozark National Forest, MO
 Map S-1. Caney Creek National Game Refuge on the Ouachita National Forest, AR
 Map T-1. Oak Mountain National Game Refuge on the Ouachita National Forest, AR
 Map U-1. Cherokee National Game Refuge No. 1 on the Ozark National Forest, MO
 Map V-1. Ocala National Game Refuge on the Ocala National Forest, FL
 Map W-1. Big Levels Game Refuge on the George Washington National Forest, VA
 Map X-1. Pigeon Creek National Game Refuge on the Ouachita National Forest, AR
 Map Y-1. Ouachita National Wildlife Preserve on the Ouachita National Forest, AR
 Map Z-1. Noontootly National Game Refuge on the Chattahoochee National Forest, GA

- Map AA-1. National Catahoula Wildlife Management Preserve on the Kisatchie National Forest,
LA
- Map BB-1. National Red Dirt Wildlife Management Preserve on the Kisatchie National Forest,
LA
- Map CC-1. Francis Marion Wildlife Management Preserve on the Francis Marion National
Forest, SC

List of Tables

- Table 1. Congressional Authorizations for National Wildlife Areas on National Forest Lands
- Table 2. Designated National Wildlife Areas Within National Forests
- Table 3. The Terms and Purposes Used by Congress in Authorizing National Wildlife Areas

Appendixes

- A. Grand Canyon Forest Reserve (National Forest): Statute and Maps
- B. 1916 Authority for National Wildlife Areas on Acquired National Forest Lands
- C. Norbeck Wildlife Preserve: Map, Statute, and Proclamations
- D. Sheep Mountain Game Refuge: Map, Statute, and Proclamation
- E. Custer National Forest: Map and Statute
- F. Ozark National Forest: Statute
- G. Tahquitz National Game Preserve: Map and Statute
- H. Ocala National Forest: Statute and Proclamation
- I. Ouachita National Forest: Statute and Proclamations
- J. 1934 Authority for National Wildlife Areas on National Forest Lands Reserved from the
Public Domain
- K. Francis Marion National Forest: Statute
- L. Grand Canyon National Game Preserve: Map and Proclamations
- M. Pisgah National Game Preserve: Map and Proclamation
- N. Barkshead National Game Refuge: Map and Proclamation
- O. Black Mountain National Game Refuge: Map and Proclamation
- P. Haw Creek National Game Refuge: Map and Proclamation
- Q. Livingston National Game Refuge: Map and Proclamation
- R. Moccasin National Game Refuge: Map and Proclamation
- S. Caney Creek National Game Refuge: Map and Proclamation
- T. Oak Mountain National Game Refuge: Map and Proclamation
- U. Cherokee Game Refuge No. 1: Map and Proclamations
- V. Ocala National Game Refuge: Map, Proclamation, and Executive Order
- W. Big Levels Game Refuge: Map and Proclamation
- X. Pigeon Creek National Game Refuge: Map and Proclamation
- Y. Ouachita National National Wildlife Preserve: Map and Proclamation
- Z. Noontootly National Game Refuge: Map and Proclamation
- AA. National Catahoula Wildlife Management Preserve: Map and Proclamation
- BB. National Red Dirt Wildlife Management Preserve: Map and Proclamation
- CC. Francis Marion National Forest Wildlife Preserve: Map and Proclamation
- DD. North American Game Birds and Game Animals
- EE. Provenance of National Forests and Grasslands
- FF. Draft Language for an Administrative Rule Pertaining to National Wildlife Areas
- GG. Authorities for an Administrative Rule Pertaining to National Wildlife Areas

Introduction

Today, nearly 1.3 million acres of national forest lands have been established—usually by presidential proclamation—as national wildlife areas (NWAs). The Forest Service lists twenty-one national game refuges and wildlife preserves in its official [*Land Areas of the National Forest System Land Areas of the National Forest System*](#).

Note that although generically called NWAs in this report, no area actually goes by the name National Wildlife Area. Congress in authorizing and/or the president in proclaiming such areas have used a variety of names for the special protective areas. The final score (so far):

- 3 [place name] National Game Preserve
- 10 [place name] National Game Refuge
- 3 [place name] Game Refuge
- 2 National [place name] Wildlife Management Preserve
- 1 [place name] National Forest Wildlife Preserve
- 1 [place name] National Wildlife Preserve
- 1 [place name] Wildlife Preserve

All of these categories are on *national* forest lands, are for *wildlife* (at least a subset of wildlife), and are *areas*. Hence the generic term *national wildlife areas* (NWAs).



Figure 1. Entrance to Ocala National Game Refuge, Florida, in 1969. Source: Wikipedia.

While in the past the presidential designation was given weight (Figure 2), these presidential designations are, unfortunately, mostly ignored today by the Forest Service. Nonetheless, the authority delegated by Congress to establish NWAs still exists and the president can use it to strengthen protections for native wildlife on the National Forest System.

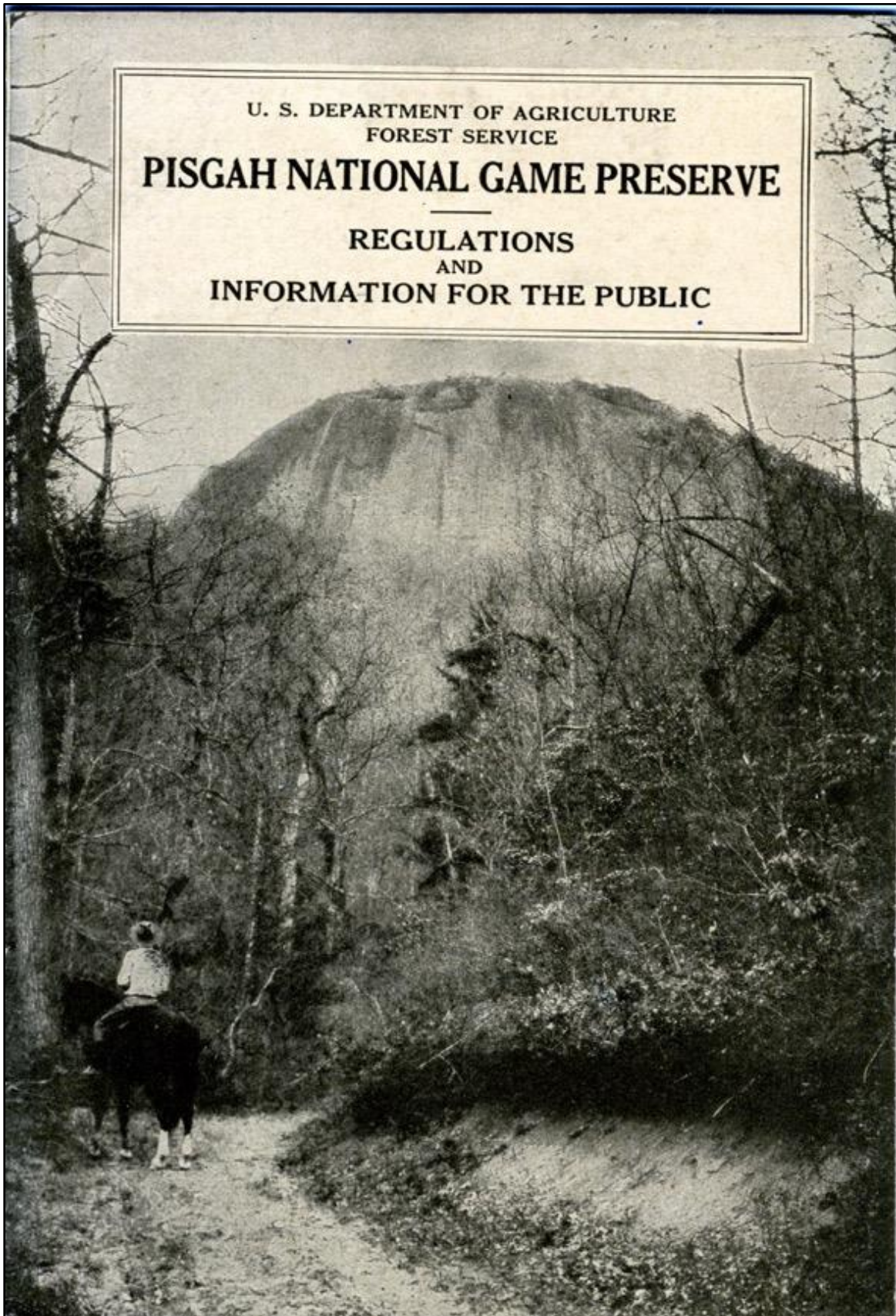


Figure 2. *Forest Service regulations and public information for the Pisgah National Game Preserve, 1917.* Source: [UNC Asheville Ramsey Library](#).

The Two Types of National Forest Lands

Due to historical circumstances, there are two types of national forest lands:

- those that were *reserved from the public domain* (owned by the federal government and then generally administered by the General Land Office of the Department of the Interior)
- those that were *acquired* from nonfederal owners, after generally having first left the federal public domain

The first national forests were all carved out of (reserved from) the public domain—those lands acquired by the federal government due to treaty, purchase from a foreign power, and/or conquest. These national forests were all in the “West,” meaning in this case all states west of the Mississippi, including all of Minnesota, but not Oklahoma, Louisiana, or Texas. Most all of the western “public domain” national forests were generally established by 1910.

The Weeks Law (aka the Weeks Act) of 1911 ([16 USC 515](#)) authorized the establishment of national forests in the eastern United States through acquisition of land from nonfederal owners if such land were deemed “necessary to the regulation of the flow of navigable streams or for the production of timber.” In 1916, Congress authorized the president to proclaim NWAs on any national forestlands that were acquired under the authority of the Weeks Act. At the time, this applied only to eastern national forests.

In 1934, Congress extended the authority of the president to proclaim national wildlife areas on national forestlands that were carved out of the public domain—but conditioned such on the approval of the legislature of any affected state. To date, no such state legislative approval has been granted.

In 1958, Congress extended Weeks Act status to all national forest lands that were “acquired” anywhere, even within the proclaimed boundaries of national forests that were generally “public domain” national forests. Those national forest lands that came from the public domain do not have Weeks Act status, which means a president cannot proclaim national wildlife areas on those lands without the approval of the affected state legislature.

While initially all Weeks Act national forests were in the East, where there were no longer public domain lands, some Weeks Act national forest lands (that is, acquired lands) now exist in the West and are managed as part of the predominantly public domain national forest. Rule of thumb: if the land is not in the public domain, it was acquired and is subject to the Weeks Act. The definitive source of whether a parcel of national forest land has “public domain” or “acquired” status is the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. Forest Service surface ownership is shown in either a very slightly lighter shade (reserved from the public domain) or a very slightly darker shade of green (acquired lands). (The shades of green are so close that one should consult the key of the viewer and/or click into a particular spot to reveal the correct data layer.) Appendix EE lists all national forests and national grasslands and indicates the provenance of each.

Congressional Authorizations: Forest-Specific and General

As Table 1 shows, between 1906 and 1948 Congress enacted a series of statutes intended to afford protection to certain kinds of wildlife on

- specific portions of or entire specific national forests that were generally reserved from the public domain,
- all national forest lands that were acquired (generally, but not exclusively in the East), and/or
- all national forest lands reserved from the public domain (the latter subject to the approval of the affected state legislature).

Congress authorized the president to proclaim NWAs on certain portions of the (Grand Cañon, now) Kaibab (AZ), Black Hills (SD), Medicine Bow (WY), and Custer (SD) National Forests. Congress enacted separate statutes authorizing the president to proclaim national game refuges anywhere on the Ozark (MO), Ocala (FL), Ouachita (AR), and Francis Marion (SC) National Forests.

In addition to the specific authorities granted by Congress to the president to proclaim NWAs in portions or all of certain national forests, the president has general authority to proclaim NWAs under two statutes, referred to earlier:

- *Acquired lands*: The Act of August 11, 1916
- *Reserved public domain lands*: The Act of March 10, 1934

As mentioned earlier, to establish NWAs on reserved public domain lands, the concurrence of the legislature of the affected state is required.

Only once, in 1926, did Congress directly establish a national wildlife area—the Tahquitz National Game Preserve on the San Bernardino National Forest—without requiring a presidential proclamation to achieve it.

<i>Year</i>	<i>National Forest</i>	<i>State(s) (Generally)</i>	<i>Appendix</i>
1906	Grand Canyon Forest Preserve	AZ Territory	A
1916	All national forests, then all in the East, established under the Weeks Act (“acquired” national forest lands)	AL, FL, GA, IL, IN, KY, LA, ME, MI, MO, MS, NC, NH, NY, OH, PA, SC, TN, TX, VA, VT, WI, WV	B
1920	Black Hills (portion)	SD	C
1924	Medicine Bow (portion)	WY	D
1924	Custer (portion)	SD	E
1925	Ozark	AR	F
1926	San Bernardino (portion)	CA	G
1930	Ocala	FL	H
1933	Ouachita	AR	I
1934	All other national forests, mostly (but not exclusively) in the West (“reserved from the public domain” national forests)	AZ, AZ, CA, CO, ID, MN, MT, NE, NM, NV, OR, SD, UT, WA, WY	J
1948	Francis Marion	SC	K

In 1988 Congress established the 41,051-acre Indian Nations National Scenic and Wildlife Area on the Ouachita National Forest in Oklahoma (16 USC 460vv-8). That statute limits the Forest Service to management that would not “detract from the scenic quality and natural beauty” of two named roads. As for wildlife protection, the statute requires modification of standard timber management practices so as to provide more “mast production and den trees for wildlife.” However, the statute’s language makes clear that while the view from two roads is more important than logging, logging is more of a priority than wildlife.

All the broad and direct congressional statutes authorizing national wildlife areas (Table 1) predate the inclusion of national grasslands in the National Forest System starting in 1953. Since that time, orders from the secretary of agriculture and other directives have [fully incorporated](#) the national grasslands so as to be managed similarly to national forests as part of the National Forest System. While both the broad and specific delegations of congressional power pertaining to national wildlife areas doesn't explicitly mention national grasslands (as they were not yet part of the National Forest System), the general congressional delegations to administer the National Forest System and other congressional delegations and directions to protect the environment and natural resources are adequate authority to include national grasslands in a national wildlife area administrative rule.

The Parade of Presidential Proclamations

The parade of presidential proclamations is summarized in Table 2. Chronologically, Grand Canyon National Game Preserve was the first presidentially proclaimed NWA, created by the great game hunter President Theodore Roosevelt.

President Woodrow Wilson followed the T. Roosevelt naming convention with Pisgah National Game Preserve, where he had a choice. For his second proclamation (Norbeck), Congress left the exact area to presidential discretion but in the statute named it Norbeck National Wildlife Preserve.

President Calvin Coolidge (Cherokee, Noontootly, Barkshead, Caney Creek, Haw Creek, Livingston, Moccasin, and Oak Mountain) and President Herbert Hoover (Ocala) always went with “national game refuge.” In 1926, Congress established (no presidential proclamation needed) the Tahquitz National Game Preserve, hearkening back to the first national wildlife areas.

The one exception was the proclamation of a “game refuge” not preceded by the word “national” (Sheep Mountain). Coolidge's proclamation didn't mention Sheep Mountain but simply referenced the land described in the enabling statute by Congress and said it would be “designated as a refuge for the protection and propagation of game animals and birds.”

President Franklin Roosevelt's first proclamation was for a “game refuge” (not preceded by “national”) (Big Levels), while all of his remaining proclamations used the word “wildlife” rather than “game.” It seems that FDR was taking a broader view of wildlife. The second Roosevelt established two “national wildlife preserve[s]” and two “national [insert place name] wildlife management preserve[s]”.

President Harry Truman designated either a “national forest wildlife preserve” or a “wildlife preserve” (sans “national”) on the Francis Marion National Forest. In any case, the national wildlife area is a subset of the national forest, both with the same name. Interestingly, in this case Congress authorized “game sanctuaries and refuges.”

Game Animals, Game Birds, and Game Fish

The congressional authorities variously define the purposes of national wildlife areas to further the conservation of animals, fish, and/or birds (Table 3). Often—but not always—“animals,” “fish,” and “birds” are modified by “game.”

Table 2. Designated National Wildlife Areas Within National Forests						
<i>Name</i>	<i>Est.</i>	<i>National Forest Acreage</i>	<i>Other Acreage</i>	<i>National Forest, State</i>	<i>Proclaiming President</i>	<i>Appendix</i>
Grand Canyon National Game Preserve	1906	622,273	10	Kaibab, AZ	T. Roosevelt	L
Pisgah National Game Preserve	1916	71,899	36	Pisgah, NC	Wilson	M
Norbeck Wildlife Preserve	1920	32,079	7,046	Black Hills, SD	Wilson	C
Cherokee National Game Refuge No. 1	1924	9,862	0	Cherokee, TN	Coolidge	U
Noontootly National Game Refuge*	1924	24,665	22	Chattahoochee, GA	Coolidge	Z
Sheep Mountain Game Refuge	1924	21,569	6,200	Medicine Bow, WY	Coolidge	D
Tahquitz National Game Preserve	1926	18,813	8,609	San Bernardino, CA	**	G
Barkshead National Game Refuge	1928	5,851	1	Ozark, AR	Coolidge	N
Black Mountain National Game Refuge	1928	18,929	0	Ozark, AR	Coolidge	O
Caney Creek National Game Refuge	1928	8,038	0	Ouachita, AR	Coolidge	S
Haw Creek National Game Refuge	1928	3,783	0	Ozark, AR	Coolidge	P
Livingston National Game Refuge	1928	8,755	2	Ozark, AR	Coolidge	Q
Moccasin National Game Refuge	1928	4,048	0	Ozark, AR	Coolidge	R
Oak Mountain National Game Refuge	1928	8,872	0	Ouachita, AR	Coolidge	T
Ocala National Game Refuge	1930	68,241	43	Ocala, FL	Hoover	V
Big Levels Game Refuge	1935	12,147	0	George Washington, VA	F. Roosevelt	W
Pigeon Creek National Wildlife Preserve	1935	8,107	0	Ouachita, AR	F. Roosevelt	X
Ouachita National Wildlife Preserve	1935	13,098	6,778	Ouachita, AR	F. Roosevelt	Y
National Catahoula Wildlife Management Preserve	1941	37,629	184	Kisatchie, LA	F. Roosevelt	AA
National Red Dirt Wildlife Management Preserve	1941	40,213	20	Kisatchie, LA	F. Roosevelt	BB
Francis Marion National Forest Wildlife Preserve	1948	53,199	6	Francis Marion, SC	Truman	CC
TOTAL		1,217,002	36,396	Total (all lands)		1,253,298
* Originally Cherokee National Game Refuge No. 2. Renamed and expanded by F. Roosevelt.						
** Established by Congress.						
USDA Forest Service, Land Areas of the National Forest System, as of September 30, 2020 , Table 17						

<i>Authorizing Language</i>	<i>US Code Title*</i>	<i>Geographic Area</i>	<i>Year</i>	<i>Appendix</i>
“set aside for the protection of game animals and birds and . . . recognized as a breeding place therefor”	Game breeding areas in Wichita and Grand Canyon National Forests	North Kaibab and Tusayan Ranger Districts of the Kaibab National Forest	1906	A
“set aside for the protection of game animals, birds, or fish”	Areas set aside for protection of game and fish; unlawfully taking game or fish	all eastern national forests, later all non-public domain national forests	1916	B
“set aside for the protection of game animals and birds, and . . . recognized as a breeding place therefor”	Norbeck Wildlife Preserve; establishment	a portion of the Black Hills National Forest, SC	1924	C
“a refuge for the protection and propagation of game animals and birds”	Act of June 7, 1924 (Public No. 229)	a portion of the Medicine Bow National Forest, WY	1924	D
“for the purpose of protecting and propagating antelope and other game animals and birds”	Game animal and bird refuge in South Dakota; establishment	a portion of the Custer National Forest, SD	1924	E
“set aside for the protection of game animals, birds, or fish”	Game refuge in Ozark National Forest	Ozark National Forest, MO	1925	F
“for the protection of game animals, and as the recognized breeding place therefor”	Tahquitz National Game Preserve	a portion of the San Bernardino National Forest, CA	1926	G
“game refuges . . . set aside for the protection of game animals and birds”	Game sanctuaries or refuges in Ocala National Forest	Ocala National Forest, FL	1930	H
“providing breeding places and for the protection and administration of game animals, birds, and fish”	Game sanctuaries and refuges in Ouachita National Forest	Ouachita National Forest, AR	1933	I
“fish and game sanctuaries or refuges [for the] purpose of providing breeding places for game birds, game animals, and fish”	Fish and game sanctuaries in national forests; establishment by President	all national forests	1934	J
“fish and game sanctuaries [for the] purpose of providing breeding places for game animals and birds and for the protection and administration of game animals and birds, and fish”	Public Law 80-257	Francis Marion National Forest, SC	1947	K

* As such titles are created by official clerks, they are not in the legislative language enacted by Congress. All quotations are selected from legislative language reprinted in appendixes to this report.

The congressional authority applicable to *acquired* national forest lands (Appendix B) that authorizes the president to proclaim NWAs says such areas are “set aside for the protection of game animals, birds, or fish” ([16 USC 683](#)). It goes on to specify that “it shall be unlawful for any person to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish.”

The congressional authority applicable to *public domain* national forest lands (Appendix J) that authorizes the president to proclaim NWAs (with the approval of the affected state legislature) says such areas are for the conservation of “game birds, game animals, and fish” ([16 USC 694](#)). Read in context of the entire provision, the provision clearly means all fish, not just fish that are “game” species.

Merriam-Webster defines a

- “[game animal](#)” as “an animal made legitimate quarry by state or other law”;
- “[game bird](#)” as “a bird that may be legally hunted according to the laws especially of a state of the U.S.”; and
- “[game fish](#)” as “sport fish,” “*especially*: a fish made a legal catch by law.”

For the purposes of applying the various congressional authorities to establish national wildlife areas, it is necessary to determine what species qualify as “game animals,” “game birds,” or “game fish.” Perhaps it is easier to determine what is not “game,” but let’s first survey what is clearly “game.”

We start with a list of [North American Game Birds and Game Animals](#) (Appendix DD) compiled by the National Rifle Association (NRA) for its George Montgomery/NRA Youth Wildlife Art Contest. Yes, *that* NRA, which I consider to be a very credible initial source on this particular matter. The NRA art contest is open to students in grades 1 through 12 (including home schoolers) and accepts entries in four categories, according to school grade. Entrants must “portray any North American game bird or animal that may be legally hunted or trapped.” [Under the NRA rules](#), “Endangered species and non-game animals, such as eagles and snakes, are not eligible subjects.” The NRA helpfully lists ~210 species of game animals and game birds— although several are non-native alien species that should be given no quarter in their eradication from native ecosystems.

The NRA list is, understandably, limited to “game birds” and “game animals” that are hunted with firearms. What of herptiles (amphibians and reptiles)? Many qualify as “game,” as they are hunted, trapped, and/or collected. As examples, reptile and amphibian “collection” is allowed in several states, including [Indiana](#), [Utah](#), [Louisiana](#), [Wisconsin](#), [Texas](#) (alligators), [Pennsylvania](#), and [New York](#). The [Oregon Department of Fish and Wildlife](#) says, “Hunting for frogs and salamanders is a great way to introduce kids to the wonders of Oregon’s wildlife and the great outdoors.” At least four states (Alabama, Georgia, Oklahoma, and Texas) still host [rattlesnake killing contests](#). [California](#) defines “fish” as “a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals.” [Idaho](#) includes “bullfrogs and crayfish” in its definition of “game fish.” Herps (and many invertebrates) are “game animals.”

Are lepidoptera “game animals”? Butterflies and moths certainly are a kind of animal and some people collect them, though such hunting is with a butterfly net.

How about cougars (aka mountain lions, pumas)? Once found widely in the United States, the mountain lion is now limited to sixteen states. In most states, the species is classified as a “game animal” and/or hunted.

In any case, it is reasonable to define “game animals” (including birds and fishes, which are also animals) quite broadly.

Nongame species conservation could be a purpose of national wildlife areas on the National Forest System if an administrative rule cited other Acts of Congress as authority.

Using the National Wildlife Area Authority in the Twenty-First Century

All national forest lands, currently 188,448,309 acres—and including national grasslands, which total another 3,382,626 acres—are eligible to have NWAs proclaimed within them by the president. Depending upon the provenance of the national forest land in question, the acquiescence of the state legislature of an affected state may or may not be required. To determine definitively whether particular national lands of most interest to you are reserved from the public domain or acquired lands, please refer to “The Two Types of National Forest Lands” above.

Though the authority to proclaim national wildlife areas has not been used since 1948, it is still valid based on the Acts of Congress of 1916 and 1934 and is awaiting a visionary administration to use it to elevate the conservation status of tens of millions of acres of national forest lands. By executive order, the president should direct the secretary of agriculture to take these three steps:

1. Promulgate an administrative rule to establish national wildlife areas in the National Forest System.
2. Recommend to the president new or expanded NWAs to be proclaimed.
3. Promptly request—from the secretary of the interior—withdrawal of NWAs from mineral exploitation for the maximum period allowed by law.

In the same executive order, the president should direct the secretary of the interior to promptly approve applications for NWAs and to promptly renew them when they expire.

As promulgating an administrative rule relies on several statutes enacted since all existing NWAs were proclaimed, these areas should be “reproclaimed” (if not also expanded) by the president pursuant to the new administrative rule.

Step 1: Promulgate an Administrative Rule

It is proposed that the secretary of agriculture promulgate an administrative rule to establish national wildlife areas in the National Forest System (recommended language in Appendix FF).. This administrative rule—first published as a draft in the *Federal Register* and made available for public review and comment before finalization in the *Code of Federal Regulations*—should:

- Provide for the designation of national wildlife areas.
- Require the Forest Service to periodically make recommendations, through the secretary of agriculture, to the president to establish NWAs.
- Establish a nomination process whereby the secretary of agriculture can accept nominations by citizens and organizations recommending national wildlife areas.
- Describe the administration of national wildlife areas.
- Require the Forest Service to obtain, from the secretary of the interior, mineral withdrawals for NWAs to the maximum extent allowed by law.
- Describe the protections to be afforded to wildlife in national wildlife areas.
- Specify allowable and prohibited activities in national wildlife areas.
- Provide for uniformed management and strong conservation protections.
- Make clear the lines of authority over wildlife habitat (federal) and the wildlife itself (state) to provide for continued state administration of hunting, fishing, and trapping.

The statutory and treaty authorities for such a protective rule regarding national wildlife areas are broad and deep and can be categorized into four types (see Appendix GG):

- broad congressional delegations of power to establish national wildlife areas
- specific congressional delegations of power to establish national wildlife areas
- general congressional delegations of power to administer the National Forest System
- other congressional delegations and direction, including treaties, to protect the environment and natural resources

Step 2: Recommend NWAs to Be Proclaimed

Using the process of consideration detailed in the administrative rule, the secretary of agriculture should recommend new or expanded NWAs to the president, who should then proclaim them.

Step 3: Promptly Request Mineral Withdrawals

The secretary of agriculture should promptly request withdrawal of NWAs from mineral exploitation for the maximum period allowed by law. Without a mineral withdrawal, a national wildlife area designation is worth a lot less. Alas, a presidential proclamation no longer comes with a mineral withdrawal to prevent mining of federal lands. Since the enactment of the Federal Land Policy Act of 1976, all administrative withdrawals of federal lands from mining exploitation are limited to twenty years (although they can be renewed) and can only be done by the secretary of the interior.

Conclusion

The establishment of additional national wildlife areas (NWAs) within the National Forest System can do much to conserve biological diversity, protect watersheds and water quality, and store and sequester carbon. An NWA designation would further most statutory multiple uses ([16 USC 528](#)): water, wildlife, and recreation. It would reduce others that are harmful to fish and wildlife: logging and livestock grazing. Of course, the establishment of new and expanded NWAs would not affect logging and grazing outside of their boundaries.

If the administrative rule confers adequate protections to conserve biological diversity—and if an administrative mineral withdrawal accompanies proclamation of new NWAs—then new NWAs should count toward the national goal of conserving 30 percent of the land by 2030.

Appendix A

Grand Canyon Forest Reserve (National Forest): Statute and Maps

Statutory Authority

Congress first acted to protect the Grand Canyon before Arizona became a state.

[16 USC 684](#). Game breeding areas in Wichita and Grand Canyon National Forests

The President of the United States is authorized to designate such areas in the Wichita National Forest and in the Grand Canyon National Forest as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

(Jan. 24, 1905, ch. 137, § 1, 33 Stat. 614; June 29, 1906, ch. 3593, § 1, 34 Stat. 607.)

[16 USC 685](#). Hunting, trapping, killing, or capturing game in designated breeding areas unlawful

When such areas have been designated in the Wichita National Forest as provided for in section 684 of this title, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of the Interior.

When such areas have been designated in the Grand Canyon National Forest as provided in section 684 of this title, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

(Jan. 24, 1905, ch. 137, § 2, 33 Stat. 614; June 29, 1906, ch. 3593, § 2, 34 Stat. 607; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 25, 1948, ch. 645, §§ 8, 9, 62 Stat. 860.)

[16 USC 686](#). Operation of local game laws not affected

It is the purpose of sections 684 and 685 of this title to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands.

(Jan. 24, 1905, ch. 137, § 3, 33 Stat. 614; June 29, 1906, ch. 3593, § 3, 34 Stat. 607.)

[16 USC 687](#). Grand Canyon Game Preserve included in park

Such parts of the Grand Canyon National Game Preserve, designated under authority of section 684 of this title, as are by this Act included with [1] the Grand Canyon National Park are excluded and eliminated from said game preserve.

(Feb. 26, 1919, ch. 44, § 9, 40 Stat. 1178.)

(The Wichita National Forest referred to above is now the Wichita National Wildlife Refuge, administered by the Fish and Wildlife Service.)

Evolution: Grand Cañon Forest Reserve to the Kaibab National Forest

The congressional authorization—still on the books—refers to land within the “Grand Canyon National Forest.” Over the decades, executive actions have evolved the Grand Canyon National Forest into the Kaibab National Forest of today. Here are the [key actions leading up to the establishment of the Kaibab National Forest](#), the legal successor to the Grand Canyon National Forest:

- 1893 Grand Cañon Forest Reserve established (Proclamation 45, February 20, 1893, 28 Stat. 1064).
- 1905 Land added (Proclamation, May 12, 1905, 33 Stat. 3009).
- 1906 Land added and deleted, name changed to Grand Canyon National Game Preserve (Proclamation, August 8, 1906, 34 Stat. 3222).
- 1906 Reserve established (Proclamation, August 8, 1906, 34 Stat. 3223).
- 1908 Part combined with Coconino, part created Kaibab, and part restored to public domain; name discontinued (Executive Order 908/Proclamation 818, July 2, 1908, 35 Stat. 2194).
- 1908 Kaibab National Forest established (Executive Order 909, July 2, 1908).
- 1910 Land added and deleted (Proclamation 1079, August 23, 1910, 36 Stat.3737).
- 1913 Land added and deleted (Proclamation 1238, March 19, 1913, 38 Stat. 1941).
- 1924 Mt. Trumbull division of the Dixie National Forest transferred to the Kaibab National Forest (Executive Order 3972, March 18, 1924).
- 1927 Land transferred to Grand Canyon National Park (Public Law 645, February 25, 1927, 44 Stat. 1238).
- 1934 Land transferred from Tusayan National Forest (Executive Order 6806, August 4, 1934).
- 1949 Land transferred to Coconino National Forest (Public Land Order 612, October 19, 1947, 14 Federal Register 6498).
- 1975 Land transferred to Grand Canyon National Park and to Havasupai Indian Reservation (Public Law 93-620, January 3, 1975).

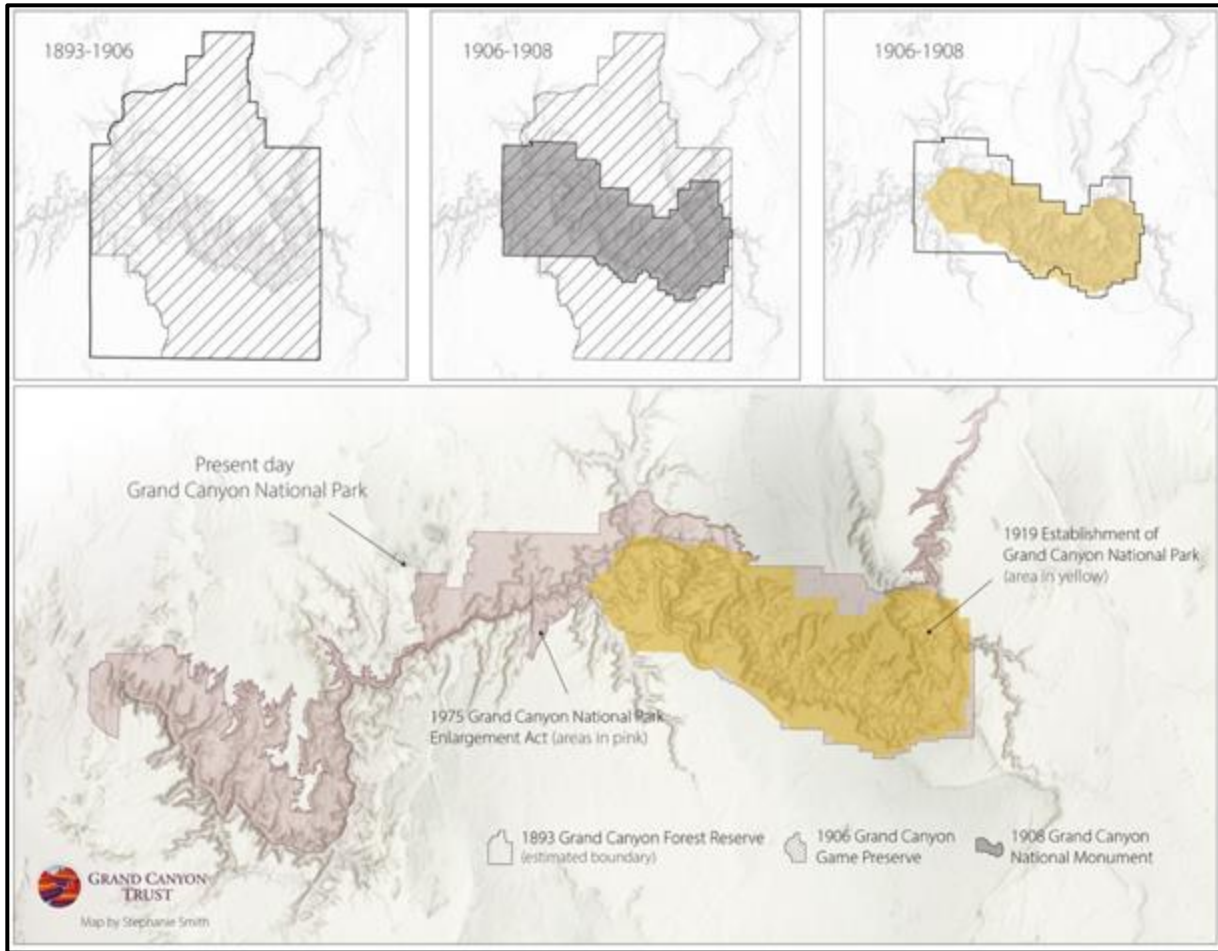
How Large Could an Expanded Grand Canyon National Wildlife Area Be?

Map A-1 shows the evolution of the protection of what is now Grand Canyon National Park. It was first proclaimed as a “forest reserve” (now called a national forest) in 1893. In 1906, a portion in the southwest quarter was returned to the public domain and the Grand Canyon National Game Preserve (GCNGP) was established. For our purposes here, a national wildlife area can still be proclaimed (or expanded) by the president on any national forest land on any national forest within the boundaries of the Grand Canyon Forest Reserve (shown as /// in the top left two maps). Today, it means that the GCNGP could be expanded to include

- any and all of the Tusayan Ranger District of the Kaibab National Forest, except for the ~3,000 acres already in the GCNGP (Map A-2); and/or
- the ~ 32,000 acres of the North Kaibab Ranger District of the Kaibab National Forest that are not already within the GCNGP (Map A-3).



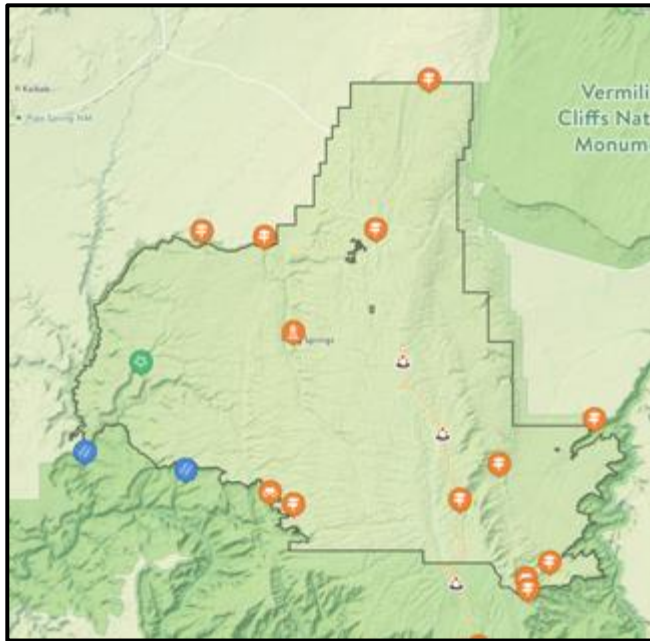
Figure A-1. *In the North Kaibab Unit of the Grand Canyon Forest Reserve.*
Source: Forest Service.



Map A-1. *Evolution of protective designations toward the Grand Canyon National Park of today.* Source: Stephanie Smith of Grand Canyon Trust.



Map A-2. *Grand Canyon National Game Preserve on the Tusayan Ranger District, Kaibab National Forest. The portion of the Kaibab National Forest shown on the map is the Tusayan Ranger District. The south unit of the existing Grand Canyon National Game Preserve (shown adjacent to the national park) could be expanded to include any and all of the remaining national forest land.* Source: NaturalAtlas.com.



Map A-3. Grand Canyon National Game Preserve on the North Kaibab Ranger District, Kaibab National Forest. The black line indicates the Grand Canyon National Game Preserve, which occupies most, but not all, of the North Kaibab Ranger District of the Kaibab National Forest. The GCNGP could be expanded to include the remaining national forest lands west and south of the Vermillion Cliffs National Monument. Source: NaturalAtlas.com.

For More Information

- Arizona State University. [Nature, Culture, and History at the Grand Canyon: Kaibab National Forest](#) (web page).
- Anderson, Michael F. 2000. *Polishing the Jewel: An Administrative History of Grand Canyon National Park* (online book). Grand Canyon Association.
- Grand Canyon Trust. 2019. [Grand Canyon Historic Boundaries Map](#) (web page).

Appendix B
1916 Authority for National Wildlife Areas on Acquired National Forest Lands

In 1911, Congress enacted what is commonly known as the Weeks Law or Weeks Act, which facilitated establishment of national forests in the East. Previously national forests could only be carved out of the public domain.

Statutory Authority

In 1916, Congress authorized the President to set aside areas for the protection of fish on national forests established under authority of the Weeks Act of 1911 ([16 USC 515](#)).

Areas set aside for protection of game and fish; unlawfully taking game or fish
The President of the United States is authorized to designate such areas on any lands which have been, or which may hereafter be, purchased by the United States under the provisions of the Act of March first, nineteen hundred and eleven, and Acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

(Aug. 11, 1916, ch. 313, 39 Stat. 476; June 25, 1948, ch. 645, § 10, 62 Stat. 860.)

In 1958, Congress extended Weeks Act status to all national forest lands *except* for those lands that

- were carved out of the public domain,
- are within official limits of towns and cities, or
- are “controverted” Oregon and California Railroad reconveyed lands in western Oregon.

[16 U.S. Code § 521a](#). Administration, management, and consolidation of certain lands

In order to facilitate the administration, management, and consolidation of the national forests, all lands of the United States within the exterior boundaries of national forests which were or hereafter are acquired for or in connection with the national forests or transferred to the Forest Service, Department of Agriculture, for administration and protection substantially in accordance with national forest regulations, policies, and procedures, excepting (a) lands reserved from the public domain or acquired pursuant to laws authorizing the exchange of land or timber reserved from or part of the public domain, and (b) lands within the official limits of towns or cities, notwithstanding the provisions of any other Act, are made subject to the Weeks Act of March 1, 1911 (36 Stat. 961), as amended, and to all laws, rules, and regulations applicable to national forest lands acquired thereunder: Provided, That nothing in this section shall be construed as (1) affecting the status of lands administered by the Secretary of Agriculture under the Act of June 24, 1954 (68 Stat. 270), and which are revested Oregon and California Railroad grant lands, administered as national forest lands, or (2) changing the disposition of revenues from or authorizing the exchange of the lands, or the timber thereon, described in the Act of February 11, 1920 (ch. 69, 41 Stat. 405), the Act of September 22, 1922 (ch. 407, 42 Stat. 1019), and the Act of June 4, 1936 (ch. 494, 49 Stat. 1460).

(Pub. L. 85–862, Sept. 2, 1958, 72 Stat. 1571.)

The statutes noted above authorize the president to proclaim national wildlife areas on any and all national forest lands that were not originally in the public domain or within city limits (not a

lot of national forest acreage). The “O&C” exception applies to 0.5 million acres of “controversited” Oregon and California Railroad revested lands within the proclaimed boundaries of the Mount Hood, Rogue River, Siskiyou, Siuslaw, Umpqua, Willamette, and Winema National Forests in Benton, Clackamas, Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lane, Linn, and Polk Counties in Oregon.

No approval of the legislature of an affected state is required.

Proclamations

On six occasions, the president has used this authority granted by Congress.

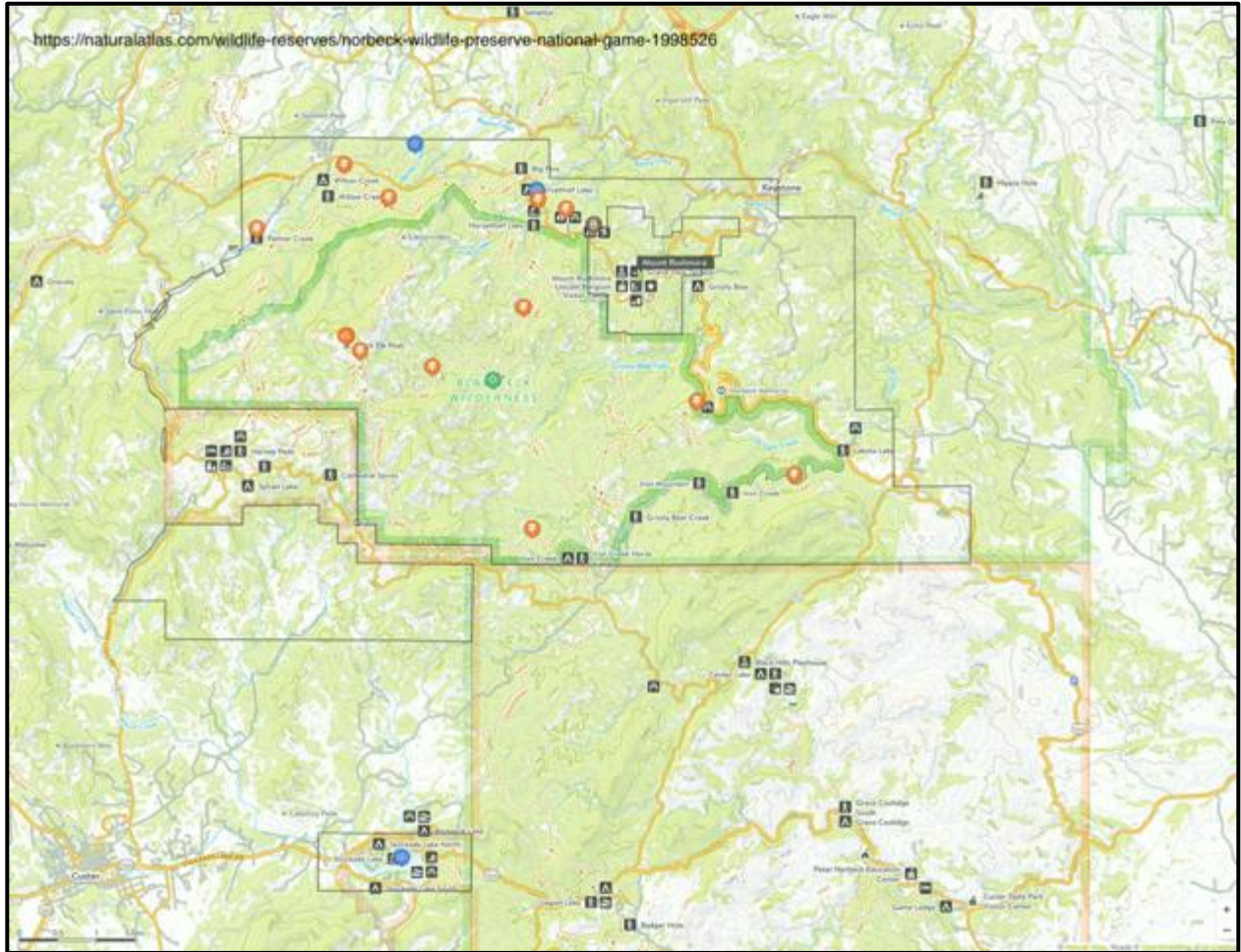
The following areas have been designated by the President: **Big Levels Game Refuge**. Proclamation of July 6, 1935 (49 Stat. 3448). **Cherokee National Game Refuges**. Proclamation of Aug. 5, 1924 (43 Stat. 1964), and Oct. 22, 1934 (49 Stat. 3423). **National Catahoula Wildlife Management Preserve**. Proclamation of Sept. 27, 1941 (55 Stat. 1689). **National Red Dirt Wildlife Management Preserve**. Proclamation of Sept. 27, 1941 (55 Stat. 1688). **Noontootly National Game Refuge**. Proclamation of July 6, 1938 (52 Stat. 1549). **Pisgah National Game Preserve**. Proclamation of Oct. 17, 1916 (39 Stat. 1811). [16 USC 683 Note](#) [emphasis added]

Specific proclamations are found in relevant appendixes.

For More Information

- Big Levels Game Refuge (Appendix W)
- Cherokee National Game Refuge No. 1 (Appendix U)
- National Catahoula Wildlife Management Preserve (Appendix AA)
- National Red Dirt Wildlife Management Preserve (Appendix BB)
- Noontootly National Game Refuge (Appendix Z)
- Pisgah National Game Preserve (Appendix M)
- Kerr, Andy. 2007. [Transferring Western Oregon Bureau of Land Management Forests to the National Forest System](#). Larch Occasional Paper #2. The Larch Company, Ashland, OR and Washington, DC.

Appendix C
Norbeck Wildlife Preserve: Map, Statute, and Proclamations



Map C-1. *Norbeck Wildlife Preserve on the Black Hills National Forest, SD.* Source: NaturalAtlas.com.

Statutory Authority

While implementation of this congressional statute requires a proclamation by the president, the statute is quite specific in total allowable area and management. (The Harney National Forest evolved into the Black Hills National Forest.)

[16 U.S. Code § 675](#). Norbeck Wildlife Preserve; establishment

There is designated as the Norbeck Wildlife Preserve such areas, not exceeding forty-six thousand acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in the opinion of the President of the United States, be set aside for the protection of game animals and birds, and be recognized as a breeding place therefor.

(June 5, 1920, ch. 247, § 1, 41 Stat. 986; June 7, 1924, ch. 324, 43 Stat. 632; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

[16 U.S. Code § 676](#). Hunting, trapping, killing, or capturing game on Norbeck Wildlife Preserve unlawful

When such areas have been designated as provided for in *section 675 of this title*, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the of Agriculture. It is the purpose of this section to protect from

trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands.

(June 5, 1920, ch. 247, § 4, 41 Stat. 986; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

[16 U.S. Code § 677](#). Inclosure of Norbeck Wildlife Preserve

The State of South Dakota is authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part Norbeck Wildlife Preserve. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this wildlife preserve and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as Norbeck Wildlife Preserve is also given similar protection by the laws of the State of South Dakota.

(June 5, 1920, ch. 247, § 4, 41 Stat. 986; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

[16 U.S. Code § 678](#). Exchange of lands with State of South Dakota and Norbeck Wildlife Preserve

Upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may patent to the State of South Dakota not to exceed one thousand six hundred acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas of Norbeck Wildlife Preserve: Provided, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest. This shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this section.

(June 5, 1920, ch. 247, § 4, 41 Stat. 986; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

[16 U.S. Code § 678a](#). Mining locations in Norbeck Wildlife Preserve; rules and regulations

Subject to the conditions herein provided, mining locations may be made under the general mining laws of the United States on lands of the United States situated within the exterior boundaries of that portion of the Harney National Forest designated as the Norbeck Wildlife Preserve, South Dakota, created pursuant to the provisions of sections 675 to 678 of this title. A locator shall have the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: Provided, however, That the mining operations herein authorized shall be subject to such rules and regulations as the Secretary of Agriculture may deem necessary in furtherance of the purposes for which the said preserve was established: Provided further, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the marking rules and timber sale practices applicable to the Harney National Forest, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development: Provided further, That the Secretary of Agriculture in his discretion may prohibit the location of mining claims within six hundred and sixty feet of any Federal, State, or county road, and within such other areas where the location of mining claims would not be in the public interest: And provided further, That no patent shall be issued by the United States on any location filed pursuant to the authority contained in this section.

(June 5, 1920, ch. 247, § 4, 41 Stat. 986; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

[16 U.S. Code § 678b](#). Redefinition of western boundary of Norbeck Wildlife Preserve

To facilitate administration for the purpose for which the preserve has been established, the western boundary of the preserve lying north of Custer State Park is redefined as follows:

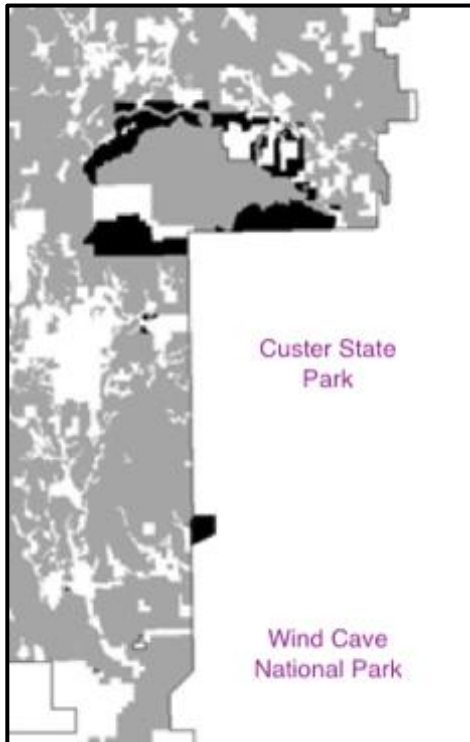
Beginning at the east quarter corner of section 7, township 2 south, range 5 east, Black Hills meridian; thence south along said section line to its intersection with a line three hundred feet north of the Horse Thief Lake Road; thence southwesterly along a line three hundred feet northwesterly from the center line of said road and running approximately parallel thereto to the intersection of said road with United States Highway 85A; thence southerly along a line three hundred feet west of United States Highway 85A and approximately parallel thereto to the present south boundary of said preserve in section 3 south, range 4 east, Black Hills meridian.

(June 24, 1948, ch. 611, § 2, 62 Stat. 581; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

Proclamations

Areas comprising the Norbeck Wildlife Preserve, formerly known as the Custer State Park Game Sanctuary, were designated by Proclamations of Oct. 9, 1920 (41 Stat. 1805), Jan. 8, 1925 (43 Stat. 1981), and Jan. 14, 1929 (45 Stat. 2985). [16 USC 675 Note](#).

The actual proclamations are reproduced at the end of this appendix.



Map C-2 *Norbeck Wildlife Preserve outside of the Black Elk Wilderness.*
Source: Forest Service.

Current Status

The area is noted on the Forest Service's [Automated Lands Program Land Status and Encumbrance](#) viewer. The NWP is depicted on the Forest Service's official Black Hills National Forest (2017) map.

Today, the Norbeck Wildlife Reserve is 34,255 acres, of which the Forest Service administers 27,494 acres, 13,542 of which were later designated by Congress as the Black Elk Wilderness (see Map C-2). The remainder of the NWP is within Mount Rushmore National Memorial or Custer State Park or is in private hands. Management has often been controversial, with Congress in 2002 overriding the courts to allow two timber sales to proceed.

The forest plan for the area does provide for distinctive management of the Norbeck Wildlife Preserve, with ten pages of standards and guidelines that address management on 12,236 acres, or 44.6 percent, of the NWP. That management doesn't appear to be distinctly different from that of the rest of the Black Hills National Forest.

For More Information

- Continuing Education in Ecosystem Management Group Module XII. 2006. [Norbeck Wildlife Preserve Landscape Assessment](#) (pdf).
- USDA Forest Service. [Norbeck Wildlife Preserve & Black Elk Wilderness](#) (web page).
- USDA Forest Service. 2006. [Black Hills National Forest Land and Resource Management Plan](#) (pdf).



Figure C-1. *Much of the Norbeck Wildlife Reserve is now within the Black Elk Wilderness.* Source: Wilderness Connect.

PROCLAMATIONS, 1925.

1981

Done at the City of Washington this 7th day of January in the year of our Lord one thousand nine hundred and twenty-five, and of the Independence of the United States of America the one hundred and forty-ninth.

By the President:
CHARLES E. HUGHES
Secretary of State.

CALVIN COOLIDGE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 8, 1925.

A PROCLAMATION

WHEREAS, the Act of Congress, entitled "An Act to amend an Act creating the Custer State Park Game Sanctuary in the State of South Dakota", approved June 7, 1924 (43 Stat., 632), provides that, upon recommendation of the Secretary of Agriculture, the area designated as the Custer State Park Game Sanctuary under the provisions of the Act of June 5, 1920 (41 Stat., 986), may, by proclamation of the President, be enlarged to embrace a total of not to exceed 46,000 acres; and

Custer State Park Game Sanctuary, S. Dak. Preamble. *Ante*, p. 632.

Vol. 41, pp. 986, 1805.

WHEREAS, the Secretary of Agriculture has recommended that the Custer State Park Game Sanctuary be enlarged by the addition thereto of the following described lands of the United States, within the Harney National Forest, South Dakota, to wit:

Lands added from Harney National Forest. *Post*, p. 1985.

E½ Section 13, Township 2 South, Range 4 East; S½ Sections 2, 3, 4, and 5, and the N½ Sections 8, 9, 10, 11, and 12, Township 2 South, Range 5 East; N½ Section 7, Section 8, S½ Section 9, Section 16, Section 17, N½ Section 20, N½ and SE¼ Section 21, W½ Section 27, E½ Section 28, E½ Section 33, Section 34, and W½ Section 35, Township 2 South, Range 6 East; N½ Section 1, Township 3 South, Range 4 East; SE¼ SE¼ Section 21, S½ Section 22, N½ N½ Section 27, Township 3 South, Range 5 East; Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, and 26, Township 5 South, Range 5 East, all of Black Hills Meridian; and

Vol. 41, p. 1805.

WHEREAS, the area designated as the Custer State Park Game Sanctuary by proclamation of October 9, 1920, and the area above described do not embrace a total area in excess of 46,000 acres:

Area enlarged. *Ante*, p. 632.

NOW, THEREFORE, I, CALVIN COOLIDGE, President of the United States of America, by virtue of the authority in me vested by said Act of June 7, 1924, do hereby make known and proclaim that the Custer State Park Game Sanctuary is enlarged to embrace all the lands of the United States above described, and the hunting, trapping, killing or capturing of any game animals and birds upon said lands is unlawful except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this eighth day of January, in the year of our Lord one thousand, nine hundred and [SEAL] twenty-five, and of the Independence of the United States the one hundred and forty-ninth.

CALVIN COOLIDGE

By the President:
CHARLES E. HUGHES
Secretary of State.

September 26, 1910 (No. 1088) and amended by Executive Order of February 17, 1912 (No. 1475) should be transferred to and made parts of the Crook National Forest which was fixed and defined by Proclamation of March 21, 1917 (No. 1362) and amended by Executive Order of December 24, 1921 (No. 3599), Proclamation of August 6, 1919 (No. 1533), and Executive Order of April 15, 1921 (No. 3435), and that certain lands in the State of New Mexico, now forming parts of the Datil National Forest fixed and defined by Proclamation dated June 7, 1910 (No. 1044), and amended by Proclamation of August 25, 1915 (No. 1309) and by Executive Order of July 3, 1916 (No. 2415), should be transferred to and made parts of the Apache National Forest.

Vol 40, p. 1647.
Vol 41, p. 1765.

Vol. 36, p. 2704.
Vol. 39, p. 1746.

Now, therefore, I, CALVIN COOLIDGE, President of the United States of America, by virtue of the power in me vested by the Act of Congress approved June 4, 1897 (30 Stat. 11 at 34 and 36), do proclaim that the boundaries of the Apache National Forest, the Crook National Forest and the Datil National Forest are hereby changed and that they are now as shown on the diagrams hereto annexed and forming parts hereof.

Boundaries modified.
Vol. 30, p. 36.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 23^d day of January, in the year of our Lord one thousand nine hundred twenty five, and [SEAL] of the Independence of the United States the one hundred and forty-eighth.

CALVIN COOLIDGE

By the President
CHARLES E. HUGHES
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 2, 1925.

A PROCLAMATION

Whereas it appears that certain lands in the State of South Dakota, described in section one of the Act of Congress approved June seventh, nineteen hundred and twenty-four (43 Stat., 634), have been found to be of the character suitable for use as a game refuge;

Game refuge, S. Dak.
Preamble.
Ante, p. 634.

Now, therefore, I, CALVIN COOLIDGE, President of the United States of America, by virtue of the power in me vested by section one of the aforesaid Act of June seventh, nineteen hundred and twenty four, entitled "An Act To authorize the withdrawal of lands for the protection of antelope and other game animals and birds," do proclaim that the public lands in the following described area in South Dakota, partly within the Custer National Forest, are hereby reserved from entry and disposition, and designated and set aside for use as a game refuge.

Setting aside game
refuge in South Da-
kota.
Ante, p. 1981.

Black Hills Meridian

Description.

In T. 18 N., R. 7 E., all Secs. 13 to 36, inclusive.

In T. 18 N., R. 8 E., all Secs. 17, 18, 19 and 20, W $\frac{1}{2}$ Sec. 21, all Secs. 29, 30, 31, and 32.

The withdrawal made by this proclamation shall be subject to valid rights and entries initiated under the public land laws prior to the said Act of June seventh, nineteen hundred twenty-four, and to existing withdrawals for national forest purposes affecting a portion of the lands involved.

Prior rights, etc., not
affected.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 2^d day of February in the year of our Lord one thousand nine hundred and twenty-
[SEAL] five, and of the Independence of the United States of America the one hundred and forty-ninth.

CALVIN COOLIDGE.

By the President:

CHARLES E. HUGHES,
Secretary of State.

February 6, 1925.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Meriwether Lewis
National Monument,
Tenn.
Preamble.

Vol. 34, p. 225.

Description of land
conveyed.

WHEREAS, J. Clint Moore and his wife, Ethel Moore, of the County of Maury in the State of Tennessee, did on the twenty-seventh day of December, one thousand nine hundred and twenty-four, and R. W. Grimes, Judge of the County Court of Lewis County, Tennessee, did on the fifth day of January, one thousand nine hundred and twenty-five, pursuant to the Act of Congress entitled, "An Act for the Preservation of American Antiquities," approved June eighth, nineteen hundred and six, by their certain deed of relinquishment and conveyance, properly executed in writing and acknowledged, relinquish, remise, convey and forever quit claim to the United States of America the following mentioned lands at that time held in private ownership and situate in the Third Civil District of Lewis County, in the State of Tennessee, and particularly described as follows, to wit: Beginning at a stake in the middle of the Hohenwald and Summertown Highway, with oak bush north and nine and one-half degrees at twenty feet, thence north fifty-nine degrees west with said Highway one thousand feet to a stake; thence north thirty degrees east two thousand one hundred and seventy-eight feet to a stake; thence south fifty-nine degrees east one thousand feet to a stake; thence south thirty degrees west two thousand one hundred and seventy-eight feet to the beginning, containing by survey fifty acres, as ascertained by survey of W. R. M. McKissick, October twenty-three, nineteen hundred and twenty-two.

WHEREAS, said relinquishments and conveyances have been accepted by the Secretary of the Interior in the manner and for the purposes prescribed in said Act of Congress, and

WHEREAS, the grave of Captain Meriwether Lewis, marked by a monument erected by the State of Tennessee, is located on this tract of land, and

WHEREAS, the faithful and effective services of Captain Meriwether Lewis as an officer of the United States Army; as the leader of the Lewis and Clark Expedition; and as Governor of the Louisiana Territory, are of transcendent importance to the Nation.

National monument,
Tennessee.

NOW, THEREFORE, I, Calvin Coolidge, President of the United States of America, by virtue of the power vested in me by section two of said Act of Congress, do proclaim that said lands hereinbefore described are hereby reserved from appropriation and use of all kinds under the public land laws and set aside as the Meriwether Lewis National Monument.

Warning against un-
authorized acts, etc.

Warning is hereby given to all unauthorized persons not to appropriate, cut, injure, destroy, deface, or take away any trees or any other property on said lands, or to occupy, settle, or locate upon any lands reserved by this proclamation.

approved June 8, 1906, (Title 16, Section 431, United States Code), do hereby proclaim that Section 4, Township 28 North, Range 7 West, Willamette Meridian, Washington, be, and the same is hereby, eliminated from the Mount Olympus National Monument. It is not intended that said land shall be eliminated from the Olympic National Forest but that it shall continue to be subject to the reservation for National Forest purposes.

Area eliminated.
Olympic National Forest not affected.

IN WITNESS WHEREOF, I have hereunder set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this 7th day of January in the year of our Lord one thousand nine hundred and twenty-nine, [SEAL] and of the Independence of the United States the one hundredth and fifty-third.

CALVIN COOLIDGE

By the President:
FRANK B KELLOGG
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 14, 1929.

A PROCLAMATION

WHEREAS, the Act of Congress, entitled "An Act To amend an Act creating the Custer State Park Game Sanctuary in the State of South Dakota" approved June 7, 1924 (43 Stat., 632), provides that upon recommendation of the Secretary of Agriculture, the area designated as the Custer State Park Game Sanctuary under the provisions of the Act of June 5, 1920 (41 Stat., 986), may, by proclamation of the President, be enlarged to embrace a total of not to exceed 46,000 acres; and

Custer State Park Game Sanctuary, S. Dak.
Preamble.
Vol. 41, p. 632.
Vol. 41, pp. 626, 1920.

WHEREAS, the Secretary of Agriculture has recommended that the Custer State Park Game Sanctuary be enlarged by the addition thereto of the following described lands of the United States, within the Harney National Forest, South Dakota, to wit: S $\frac{1}{2}$ Section 21, N $\frac{1}{2}$ N $\frac{1}{2}$ Section 28, Township 3 South, Range 5 East, Black Hills Meridian; and

Lands added from Harney National Forest.
Vol. 41, p. 282; Vol. 33, p. 1051.

WHEREAS, the areas designated as the Custer State Park Game Sanctuary by proclamations of October 9, 1920, and January 9, 1925, and the area above described do not embrace a total area in excess of 46,000 acres:

Area enlarged.

NOW, THEREFORE, I, CALVIN COOLIDGE, President of the United States of America, by virtue of the authority in me vested by said Act of June 7, 1924, do hereby make known and proclaim that the Custer State Park Game Sanctuary is enlarged to embrace all the lands of the United States above described, and the hunting, trapping, killing and capturing of any game animals and birds upon said lands is unlawful except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

Unauthorized hunting, etc., a misdemeanor.

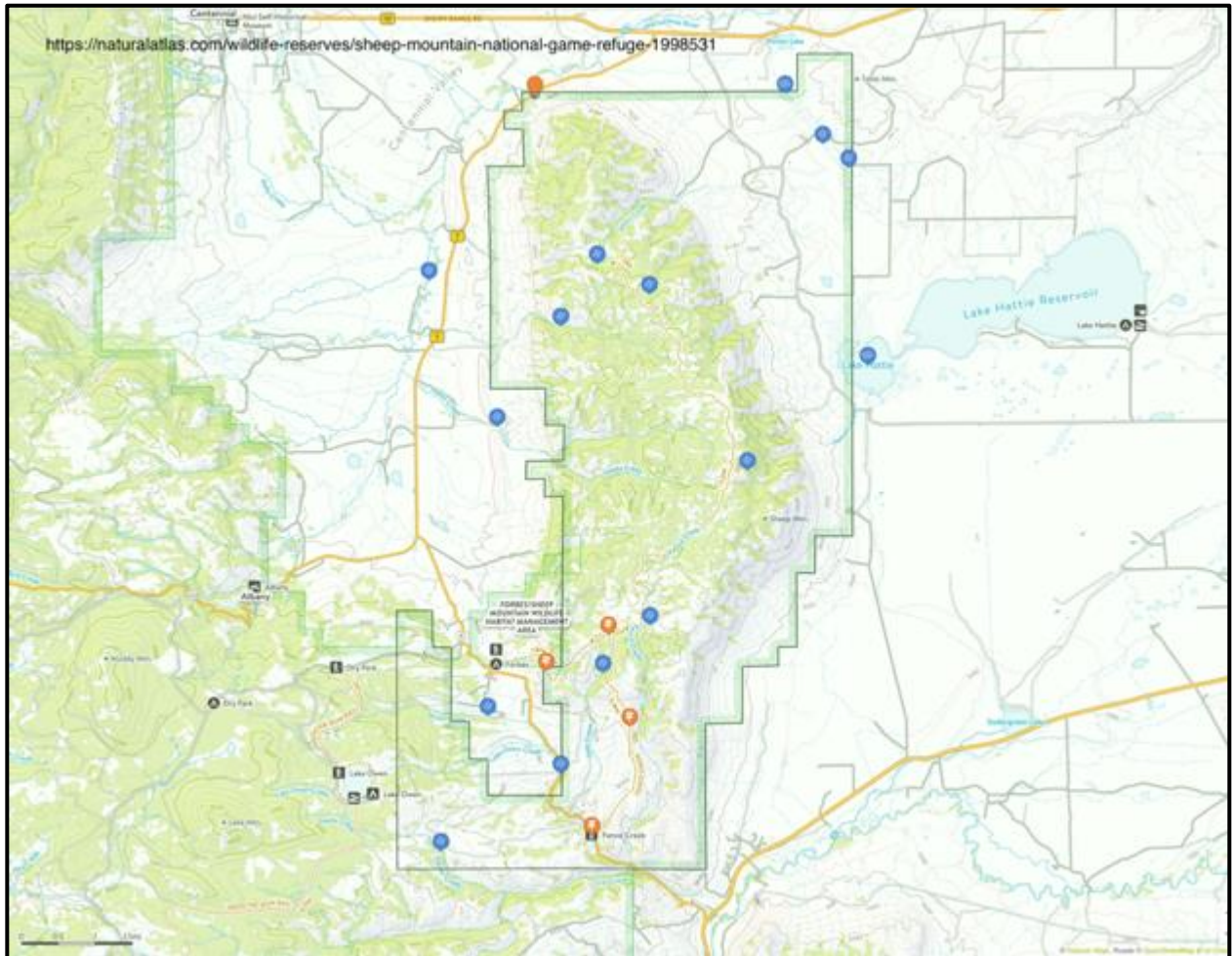
IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE, at the City of Washington, this fourteenth day of January, in the year of our Lord one thousand, nine hundred and [SEAL] twenty-nine, and of the Independence of the United States the one hundred and fifty-third.

CALVIN COOLIDGE

By the President:
FRANK B KELLOGG
Secretary of State.

Appendix D
Sheep Mountain Game Refuge: Map, Statute, and Proclamation



Map D-1. *Sheep Mountain Game Refuge on the Medicine Bow National Forest, WY.* Source: NaturalAtlas.com.

Statutory Authority

The pertinent statute is reproduced at the end of this appendix.

Proclamation

The proclamation is reproduced at the end of this appendix.

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. The Sheep Mountain Game Refuge is noted, but the boundary is not depicted, on the Forest Service’s official Medicine Bow National Forest (Snowy Range; South Half) (2020) map. The area is a special management area in the forest plan.

For More Information

- Medicine Bow National Forest. 2004. [Roadless Area Direction R20622 Sheep Mountain 17,614 Acres](#) (pdf).
- USDA Forest Service. [National Forests of Wyoming: Medicine Bow National Forest](#). Miscellaneous Circular No. 82.

- USDA Forest Service. 2003. [Medicine Bow National Forest Land and Resource Management Plan, Chapter 2, Management Area Prescriptions](#) (pdf).
- USDA Forest Service. 2003. [Medicine Bow National Forest Land and Resource Management Plan, Chapter 3, Geographic Area Prescriptions](#) (pdf).



Figure D-1. *The Sheep Mountain Game Refuge, Wyoming*. Source: All Trails (Jessica Cole).

Proviso.
Title to be secured.

Administration, etc.,
under National Park
Service.

Vo. 36, p. 535.

No valid claim, etc.,
affected.

Proviso.
Exchange of alienated
lands in, and Zion
Park, for other lands.

veyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian, in the State of Utah: *Provided*, That all the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States.

SEC. 2. That the administration, protection, and promotion of said Utah National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes."

SEC. 3. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided*, That the Secretary of the Interior is hereby authorized to exchange, in his discretion, alienated lands in this and Zion National Park for unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said parks.

Approved, June 7, 1924.

June 7, 1924.
[S. 667.]

[Public, No. 228.]

CHAP. 306.—An Act Providing for the disposal of certain lands on Crooked and Pickerel Lakes, Michigan, and for other purposes.

Public lands.
Disposal of erroneously surveyed, in Michigan.

Preference to adjacent owners.

State swamp land section.

Vol. 9, p. 520.

Proviso.
Prior rights not affected.

Regulations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the survey of any public lands erroneously omitted from the original survey found to exist within the area heretofore surveyed and represented upon the official plat of township 35 north, range 4 west, Michigan meridian, Michigan, approved February 9, 1841, on file in the General Land Office as a meandered lake, and said lake now appearing as two lakes, locally known as Crooked Lake and Pickerel Lake, in sections 20, 21, 22, 27, 28, and 29, the owners of adjacent lands shall have a preference right to purchase such lands so surveyed for a period of ninety days after the filing of the approved plat of such survey in the United States land office at Marquette, Michigan, to be appraised at not less than \$1.25 per acre, and that the State of Michigan be allowed to select such of the lands as may have inured to the State under the Act of September 28, 1850 (Ninth Statutes at Large, page 519): *Provided*, That nothing herein contained shall have the effect of defeating the rights of any person or the State of Michigan which may have attached to such lands or any part thereof.

SEC. 2. That the Secretary of the Interior is authorized to make all necessary regulations to carry out the provisions of this Act.

Approved, June 7, 1924.

June 7, 1924.
[S. 669.]

[Public, No. 229.]

CHAP. 307.—An Act Authorizing the addition of certain lands to the Medicine Bow National Forest, Wyoming, and for other purposes.

Medicine Bow National Forest, Wyo.
Lands added to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, upon recommendation of the Secretary of Agriculture and the Secretary of the Interior, is hereby authorized to add to the Medicine Bow National Forest the public lands within townships 14 and 15 north, range 77 west, sixth principal meridian, State of Wyoming, which may be determined to be chiefly valuable for national forest

purposes, and to designate as a game refuge within such national forest the areas which may be determined to be suitable for the protection and propagation of game animals and birds.

Designation of game and bird refuge on.

SEC. 2. That it shall be unlawful for any person to hunt, pursue, kill, capture, or molest any game animal or any bird within such designated refuge except in accordance with rules and regulations of the Secretary of Agriculture.

Hunting, etc., within, unlawful.

SEC. 3. That the provisions of this Act shall not affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose, nor the rights of any claimant, locator, or entryman to the full use and enjoyment of such land.

Existing entries, etc., not affected.

SEC. 4. That any person who violates any provision of this Act or of any rule or regulation promulgated hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both.

Punishment for violating provisions, etc.

Approved, June 7, 1924.

CHAP. 308.—An Act To confer jurisdiction upon the United States District Court, Northern District of California, to adjudicate the claims of American citizens.

June 7, 1924.
[S. 1192.]

[Public, No. 230.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction be, and it is hereby, conferred upon the United States District Court, Northern District of California, to hear and determine the claims of American citizens, their heirs and legal representatives, for damages or loss occasioned by or resulting from the seizure, detention, sale, or interference with their voyage by the United States of vessels charged with unlawful sealing in the Bering Sea and water contiguous thereto and outside of the three-mile limit during the years 1886 to 1896, inclusive, and to enter judgment therefor.

Bering Sea seal fishing.
Claims of Americans for damages for unlawful seizures of vessels, etc., 1886-1896, to be adjudicated.

SEC. 2. That all American citizens whose rights were affected by said seizure, detention, sale, or interference specifically referred to in section 1 hereof during the years 1886 to 1896, inclusive, may submit to the United States District Court in and for the Northern District of California their claims thereunder, and the court shall render judgment thereon.

Submission to California northern district court.

SEC. 3. That claims not presented within two years from the passage of this Act shall hereafter be forever debarred.

Authority of court.

Time limit.

Approved, June 7, 1924.

CHAP. 309.—An Act To amend an Act entitled "An Act authorizing an appropriation to meet proportionate expenses of providing a drainage system for Piute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service," approved February 14, 1923.

June 7, 1924.
[S. 1233.]

[Public, No. 231.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing an appropriation to meet proportionate expenses of providing a drainage system for Piute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service," approved February 14, 1923, be, and the same is hereby, amended to read as follows:

Piute Indians, Nevada.
Vol. 42, p. 1246.

"That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$49,603.05, payable in twenty annual installments of \$2,500 each, except the last, which shall be the amount remaining unpaid, for the

Amount authorized for drainage of lands of, in Newlands reclamation project.

1964

PROCLAMATIONS, 1924.

August 5, 1924.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Cherokee National
Game Refuges, Tenn.
and Ga.
Preamble.

Game refuges, Ten-
nessee and Georgia.
Vol. 39, p. 476.

Within Cherokee
National Forest, Tenn.
and Ga.
Vol. 36, p. 961.
Vol. 41, p. 1798.

Warning against un-
authorized hunting,
etc.

WHEREAS, it appears that the designation and setting aside of the areas in the States of Tennessee and Georgia, hereinafter indicated, for the protection of game animals, birds, and fish will promote the public good:

NOW, THEREFORE, I, Calvin Coolidge, President of the United States of America, by virtue of the power in me vested by the act of Congress approved August eleventh, nineteen hundred and sixteen entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes," do proclaim that there are hereby designated and set aside for the protection of game animals, birds, and fish all lands of the United States within the Cherokee National Forest in the States of Tennessee and Georgia, purchased under the provisions of the act of March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-one), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams," and acts supplementary thereto and amendatory thereof, as shown on the diagram forming a part hereof, to be known as the Cherokee National Game Refuges Numbers One and Two.

Warning is hereby given to all persons not to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, on any lands herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this fifth day of August, in the year of our Lord one thousand nine hundred and twenty-
[SEAL] four, and of the Independence of the United States of America the one hundred and forty-ninth.

CALVIN COOLIDGE

By the President:

JOSEPH C. GREW

Acting Secretary of State.

August 8, 1924.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Medicine Bow Na-
tional Forest, Wyo.
Preamble.
Act, p. 594.

Area enlarged.

WHEREAS, it appears that certain public lands within the area described in the act of Congress approved June 7, 1924 (Public No. 229), which have been found under the terms of said act to be chiefly valuable for national forest purposes, should be added to the Medicine Bow National Forest, in the State of Wyoming, and designated as a refuge for the protection and propagation of game animals and birds;

Now, therefore, I, CALVIN COOLIDGE, President of the United States of America, by virtue of the power in me vested by the aforesaid act of Congress, entitled, "An Act Authorizing the addition of certain lands to the Medicine Bow National Forest, Wyoming, and

for other purposes", do proclaim that the boundaries of the said national forest are hereby changed to include the area indicated as an addition on the diagram hereto annexed and forming a part hereof, and that such area is also hereby set aside as a game refuge and shall be recognized as a breeding place for game animals and birds, and that the hunting, trapping, killing, or capturing of any game animals and birds upon said lands is unlawful except under such regulations as may be prescribed by the Secretary of Agriculture;

Game refuge established.

Provided, that the reservation made by this proclamation shall not affect any valid existing claim, location, or entry under the land laws of the United States whether for homestead, mineral, right of way, or any other purpose, nor the rights of any claimant, locator, or entryman to the full use and enjoyment of such land.

Existing rights not affected.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 8th day of August in the year of our Lord one thousand nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-ninth.

CALVIN COOLIDGE

By the President:
JOSEPH C. GREW,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 29, 1924.

A PROCLAMATION

WHEREAS, by a Proclamation of the President issued on May 2, 1924, under a Joint Resolution of Congress approved by the President on January 31, 1922, it was declared that there existed in Cuba conditions of domestic violence which were or which might be promoted by the use of arms or munitions of war procured from the United States; and

Export of arms, etc. *Ante*, p. 1946. Vol. 42, p. 366.

WHEREAS, by virtue of the Joint Resolution and Proclamation above mentioned it became unlawful to export arms or munitions of war to Cuba except under such limitations and exceptions as the President should prescribe:

NOW, therefore, I, CALVIN COOLIDGE, PRESIDENT OF THE UNITED STATES OF AMERICA, do hereby declare and proclaim that, as the conditions in Cuba which prompted the issuance of the Proclamation of May 2, 1924, have ceased to exist, the said Proclamation is hereby revoked.

Revocation of prohibition against shipment of arms, etc., to Cuba. *Ante*, p. 1946, revoked.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

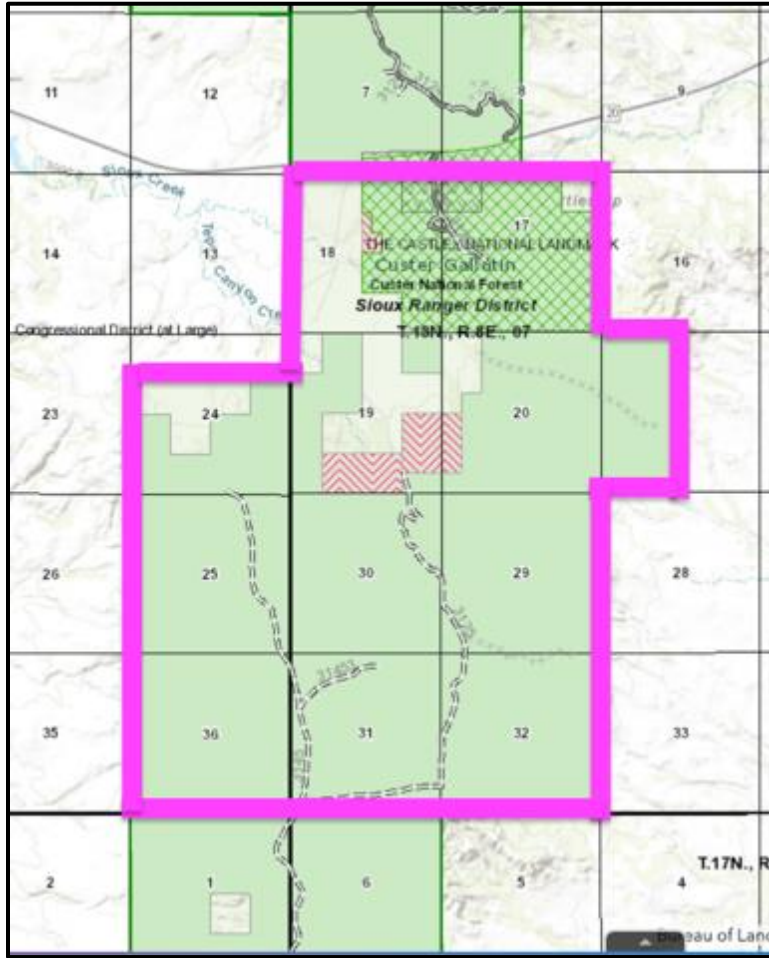
Done at the City of Washington this 29th day of August in the year of Our Lord one thousand nine hundred and twenty-four
[SEAL.] and of the Independence of the United States of America the one hundred and forty-ninth.

CALVIN COOLIDGE

By the President:
CHARLES E. HUGHES
Secretary of State.

45822°—VOL 43—PT 2—42

Appendix E
Custer National Forest: Map and Statute



Map E-1. Certain national forest lands on a portion of the Sioux Ranger District of the Custer National Forest, SD, which are eligible for national wildlife area status. According to the Forest Service, “This natural wonder [the Castles National Natural Landmark shown on map] also serves as a habitat for one of North America’s largest populations of Merlin falcons.” Source: Forest Service.

Statutory Authority

While the national wildlife areas has been authorized by Congress, no presidential proclamation has yet been made. The land described by township, range, and section as “public lands” in the statute have been lost from the public domain and are no longer available for “protecting and propagating antelope and other game animals and birds.”

[16 U.S. Code § 680](#). Game animal and bird refuge in South Dakota; establishment

Subject to valid rights and entries initiated under the public land laws, prior to June 7, 1924, any or all of the following described lands in Government ownership may be withdrawn from entry and disposition by proclamation of the President for the purpose of protecting and propagating antelope and other game animals and birds: National forest lands—Township 18 north, range 7

east, Black Hills meridian, section 24, south half, and south half north half; section 25, all; township 18 north, range 8 east, sections 17 to 20, inclusive; section 21, west half; sections 29 to 32, inclusive. Public lands—Township 18 north, range 7 east, sections 5 to 9, inclusive; sections 13 to 23, inclusive; section 24, north half north half; sections 26 to 36, inclusive; and those parts of sections 3, 4, 10, and 11 lying south and west of the Riva Road.

The withdrawal of the lands herein authorized shall not affect withdrawals for national forest purposes made prior to June 7, 1924.

(June 7, 1924, ch. 326, § 1, 43 Stat. 634.)

[16 U.S. Code § 681](#). Erection of fence by South Dakota for game animal and bird refuge

The State of South Dakota is authorized and permitted to erect and maintain a good, substantial fence inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 680 of this title. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in the administration of the National forest lands embraced therein, or to provide ingress and egress to persons occupying lands within said inclosure. The right of the State to maintain said fence shall continue so long as the area designated by the President shall be given protection by the laws of the State of South Dakota as a game refuge.

(June 7, 1924, ch. 326, § 1, 43 Stat. 634.)

Proclamation

The authority has never been used. The reference to “public lands” that are legally described is null and void as they are no longer public lands, having since passed into nonfederal ownership.



Figure E-1. *The Castles National Natural Landmark, within the area authorized for proclamation as a national wildlife area.* Source: National Park Service.

Current Status

Of the 7,080 acres of national forest land within the authorization area, 940 acres is the Castles National Natural Landmark. The NNL designation confers recognition but not protection. The Forest Service has included the Castles in a 1,005-acre management area that is a stronghold for Merlin falcons. The “public lands” described in the statute have been lost from the federal public domain and are now lands owned by the State of South Dakota. Until 1947 they were administered as a “state antelope preserve” and are now administered as the South Dakota Range and Livestock

Research Station for “research into the balance between cattle and sheep production and protection and renewal of range resources.”

A proclamation is still possible for the national forest lands.

For More Information

- Custer Gallatin National Forest. [National Natural Landmarks](#) (web page).
- Custer Gallatin National Forest. [Castles National Landmark](#) (web page).
- National Park Service. [National Natural Landmarks: The Castles](#) (web page).
- South Dakota State University. [SDSU Antelope Range and Livestock Research Station](#) (web page).
- USDA Forest Service. 1986. [Custer National Forest Management Plan](#) (pdf).

Appendix F
Ozark National Forest: Statute and Proclamations

Statutory Authority

[16 U.S. Code § 682](#). Game refuge in Ozark National Forest

The President of the United States is authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

(Feb. 28, 1925, ch. 376, 43 Stat. 1091; Aug. 11, 1945, ch. 365, 59 Stat. 531; June 25, 1948, ch. 645, § 12, 62 Stat. 861.)

Proclamations

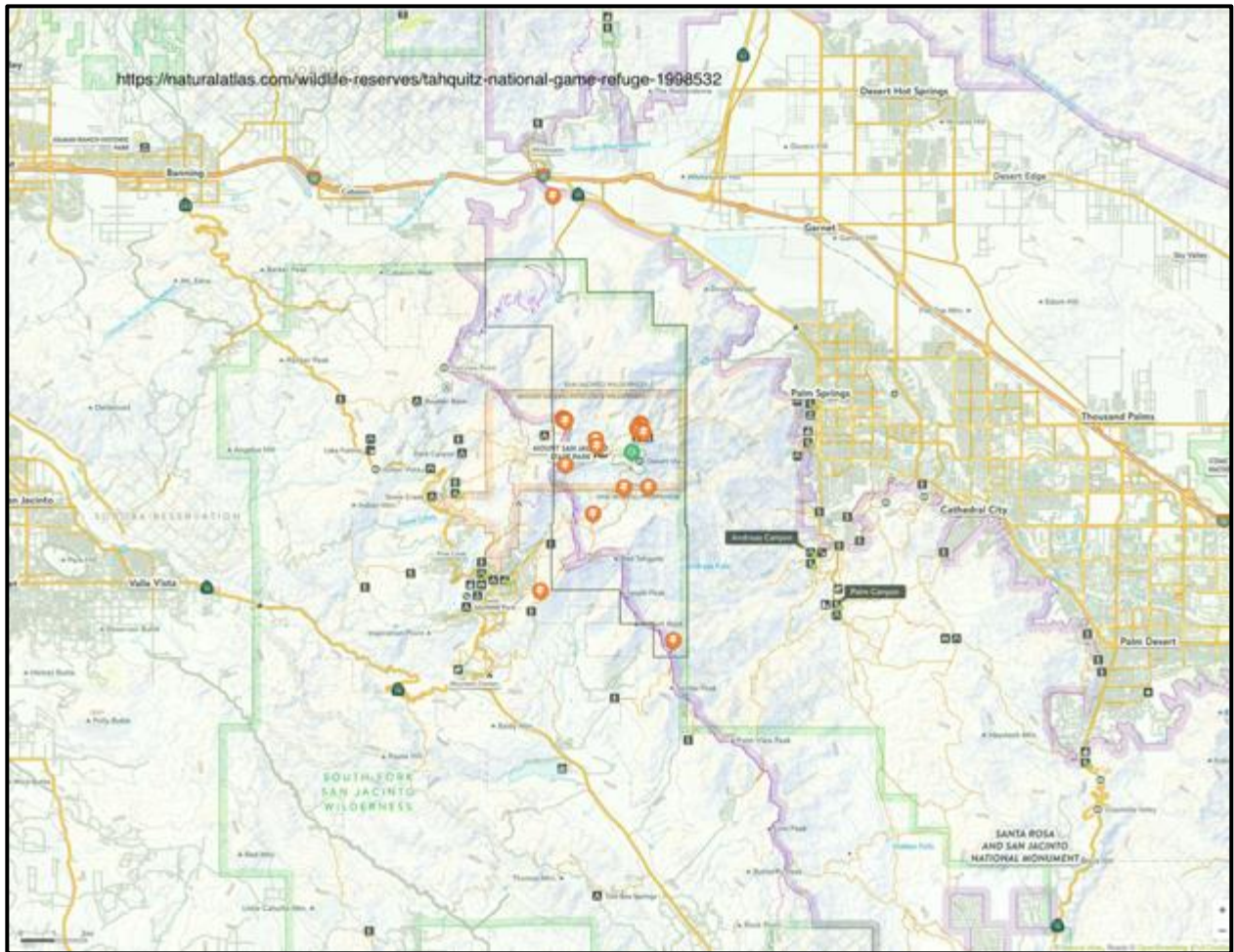
Lands comprising the Ozark National Game Refuge were designated by Proclamations of June 13, 1928 (45 Stat. 2953), and Oct. 25, 1935 (49 Stat. 3478). [16 USC 682 Note](#).

President Coolidge used the authority to proclaim “National Game Refuge number five,” which is actually four discrete national game refuges: Barkshead, Haw Creek, Livingston, and Moccasin. President Franklin Roosevelt later proclaimed the Black Mountain National Game Refuge. Specific proclamations can be found in relevant appendixes.

For More Information

- Barkshead National Game Refuge (Appendix N)
- Black Mountain National Game Refuge (Appendix O)
- Haw Creek National Game Refuge (Appendix P)
- Livingston National Game Refuge (Appendix Q)
- Moccasin National Game Refuge (Appendix R)

Appendix G
Tahquitz National Game Preserve: Map and Statute



Map F-1. *Tahquitz Game Preserve on the San Bernardino National Forest, CA. (It's the area in the center of the map outlined with thin straight lines.)* Source: NaturalAtlas.com.

Statutory Creation

In this one case, Congress eschewed authorizing the president to proclaim the area but established the Tahquitz National Game Preserve directly in statute and further provided management guidance.

[16 U.S. Code § 689](#). Tahquitz National Game Preserve

There is created within the San Bernardino National Forest in Riverside County, California, for the protection of game animals, and as the recognized breeding place therefor, the Tahquitz National Game Preserve, which shall include the following lands: Sections 28, 29, 30, 31, 32, 33, 34, and 35, township 3 south, range 3 east, San Bernardino meridian; sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 4 south, range 3 east, San Bernardino meridian; and sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, and 24, township 5 south, range 3 east, San Bernardino meridian; but the establishment of this reservation shall not interfere with any existing right or withdrawals made prior to July 3, 1926: Provided, That all the land with[in] the exterior boundary of the aforesaid tract shall first become the property of the United States.

That where the Government survey has not been completed the aforesaid description shall be deemed to refer to and be determined by lines projected from the official survey.

(July 3, 1926, ch. 776, § 1, 44 Stat. 889.)

[16 U.S. Code § 689d](#). Acceptance of title to privately owned lands within Tahquitz Preserve

Upon the recommendation of the Secretary of Agriculture the Secretary of the Interior is authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the boundaries of the game preserve established, and make exchange therefor under the provisions of sections 485 and 486 of this title.

(July 3, 1926, ch. 776, § 1, 44 Stat. 889.)

[16 U.S. Code § 689a](#). Other uses of land permitted in Tahquitz National Game Preserve

The lands included in said game preserve shall continue to be parts of the national forest and nothing contained in sections 689 to 689d of this title shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as any such use may be consistent with the purposes for which said game preserve is established.

(July 3, 1926, ch. 776, § 1, 44 Stat. 889.)

[16 U.S. Code § 689b](#). Hunting, pursuing, capturing in Tahquitz National Game Preserve unlawful

On lands within the game preserve established in section 689a of this title, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals or birds for any purpose whatever upon the lands of the United States within the limits of said game preserve shall be unlawful except as hereinafter provided.

(July 3, 1926, ch. 776, § 3, 44 Stat. 889; June 25, 1948, ch. 645, § 14, 62 Stat. 861.)

[16 U.S. Code § 689c](#). Rules and regulations for administration of the Tahquitz Preserve; predatory animals

The Secretary of Agriculture shall execute the provisions of sections 689 to 689d of this title, and he is authorized to make all needful rules and regulations for the administration of such game preserves in accordance with the purposes of said sections, including regulations for hunting, capturing, or killing predatory animals, such as wolves, coyotes, cougar, and other species destructive to livestock or wildlife within the limits of said game preserve.

(July 3, 1926, ch. 776, § 1, 44 Stat. 889.)

Current Status

The area is noted on the Forest Service's [Automated Lands Program Land Status and Encumbrance](#) viewer. The area is noted, but the boundary is not depicted, on the Forest Service's official San Bernardino National Forest (South Half) (2020) map. A cursory analysis of the land and resource management plan (as amended) for the national forest finds that it is silent on the Tahquitz National Game Preserve.

Congress authorized a game preserve of 27,520 acres “for the protection of game animals, and as the recognized breeding place therefor” ([16 U.S. Code § 689](#)). Today the Forest Service measures the reserve as 18,813 acres of national forest land. Congress authorized land exchanges, restrictions on hunting, and so forth. Over the decades, all but ~640 acres (along Snow Creek) of the TNGP been incorporated into the San Jacinto Wilderness, Mt. San Jacinto

State Park Wilderness, and/or the Santa Rosa and San Jacinto Mountains National Monument. The 640-acre area is allocated to “Back Country Motorized Use Restricted” in the forest plan.

For More Information

- USDA Forest Service. 2010. [San Bernardino National Forest South Land Management Plan Amendment: Places](#) (pdf).

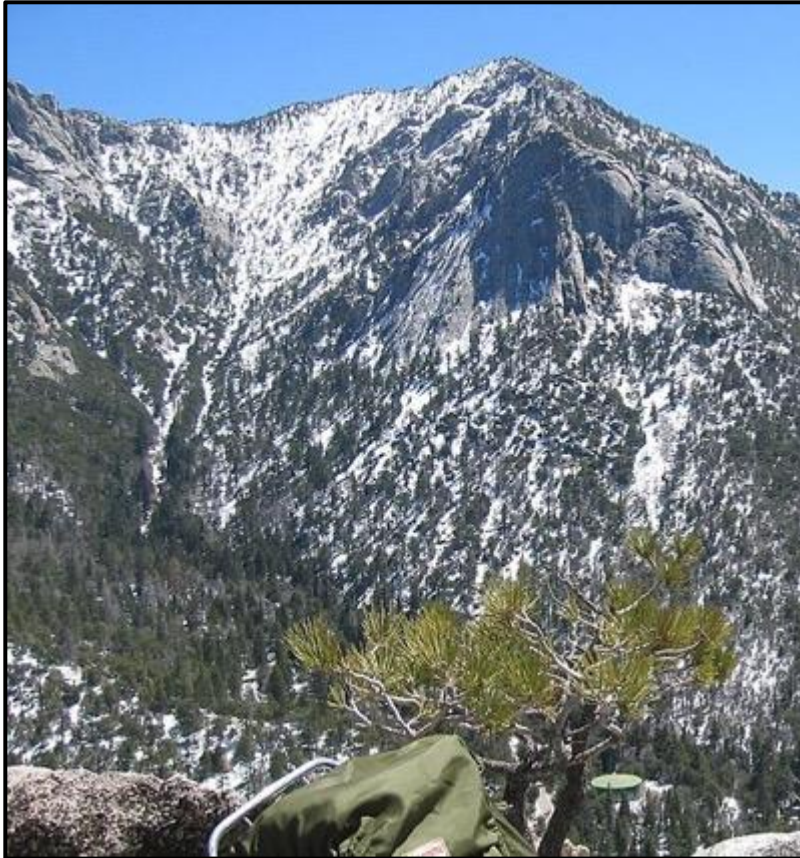


Figure F-1. *Tahquitz Peak in the Tahquitz National Game Preserve.* Source: Wikipedia.

Appendix H

Ocala National Forest: Statute

Statutory Authority

[16 U.S. Code § 692](#). Game sanctuaries or refuges in Ocala National Forest; creation
The President of the United States is authorized to designate as game refuges such lands of the United States within the Ocala National Forest, in the State of Florida, as in his judgment should be set aside for the protection of game animals and birds, but it is not intended that the lands so designated shall cease to be parts of the national forest within which they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the lands under and in conformity with the laws and regulations applicable thereto so far as such uses may be consistent with the purposes for which such game sanctuaries or refuges are established.

(June 28, 1930, ch. 709, § 1, 46 Stat. 827.)

[16 U.S. Code § 692a](#). Hunting, pursuing, capturing, etc., in Ocala National Forest unlawful
When such game sanctuaries or refuges have been established as provided in section 692 of this title, the hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any game animals or birds upon the lands of the United States within the limits of such game sanctuaries or refuges shall be unlawful except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe.

(June 28, 1930, ch. 709, § 2, 46 Stat. 828; June 25, 1948, ch. 645, § 15, 62 Stat. 861.)

Proclamation

Lands comprising the Ocala National Game Refuge were designated by Proclamation of July 24, 1930 (46 Stat. 3031), and Executive Order No. 5814 of Mar. 1, 1932. [16 USC 692 Note](#).

The proclamation can be found in Appendix V.

For More Information

- Ocala National Game Refuge (Appendix V)

Appendix I
Ouachita National Forest: Statute and Proclamations

Statutory Authority

[16 U.S. Code § 693](#). Game sanctuaries and refuges in Ouachita National Forest

•
For the purpose of providing breeding places and for the protection and administration of game animals, birds, and fish, the President of the United States is authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified areas within the Ouachita National Forest as game sanctuaries and refuges.

(June 13, 1933, ch. 63, § 1, 48 Stat. 128.)

[16 U.S. Code § 693a](#). Rules and regulations for administration of Ouachita National Forest; violations; penalties

The Secretary of Agriculture shall execute the provisions of this section and section 693 of this title, and he is authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than \$500 or imprisonment for not more than six months or both.

(June 13, 1933, ch. 63, § 2, 48 Stat. 128.)

Proclamations

Areas comprising the Ouachita National Wildlife Preserve, formerly known as the Muddy Creek Refuge, were designated by Proclamations of Mar. 8, 1935 (49 Stat. 3439), and Oct. 29, 1938 (53 Stat. 2495). [16 USC 693 Note](#).

The proclamations can be found at the end of this appendix.

For More Information

- Caney Creek National Game Refuge (Appendix S)
- Oak Mountain National Game Refuge (Appendix T)
- Pigeon Creek National Game Refuge (Appendix X)
- Ouachita National Wildlife Preserve (Appendix Y)

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28th day of February, in the year of our Lord nineteen hundred and thirty-five, and of the Independence of the United States of America the one hundred and fifty-ninth.

FRANKLIN D ROOSEVELT

By the President:

WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2118]

OUACHITA NATIONAL GAME REFUGES—ARKANSAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 8, 1935.

A PROCLAMATION

WHEREAS the act of June 13, 1933 (ch. 63, 48 Stat. 128), provides: "That for the purpose of providing breeding places and for the protection and administration of game animals, birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified areas within the Ouachita National Forest as game sanctuaries and refuges";

Ouachita National Forest, Ark. Statutory provision. Vol. 46, p. 128.

AND WHEREAS the Secretary of Agriculture has recommended that the specified areas within the said Ouachita National Forest hereinafter described be established as such sanctuaries and refuges:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of June 13, 1933, do proclaim that for the purpose of providing breeding places and for the protection and administration of game animals, birds, and fish, the following described and designated areas within the Ouachita National Forest, Arkansas, be, and they are hereby, established as game sanctuaries and refuges:

Designated areas within, established as game sanctuaries, etc.

REFUGE NO. 1—PIGEON CREEK REFUGE

Beginning at a point where the range line between T. 4 N., R. 26 W., and T. 4 N., R. 27 W., fifth principal meridian, crosses the summit of Petit Jean Mountain; thence along the summit of said mountain in a northeasterly direction to the hydrographic divide between the drainages of Jack Creek and Dry Creek; thence westerly along said divide to the north line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 10, T. 4 N., R. 26 W., fifth principal meridian; thence westerly to the southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 9, said township; thence north along the west line of the E $\frac{1}{2}$ NE $\frac{1}{4}$ said sec. 9, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 4, said township, to the hydrographic divide between the drainages of Jack Creek and Dry Creek; thence northwesterly along said divide to the east and west center line of sec. 5 said township; thence west along said center line to the quarter corner common to secs. 5 and 6, said township; thence

Pigeon Creek Refuga

south along the section line to the section corner common to secs. 5, 6, 7, and 8, said township; thence west along the section line to the range line between T. 4 N., R. 26 W., and T. 4 N., R. 27 W., fifth principal meridian; thence south along said range line to the divide between the drainage of Pigeon Creek and the drainages on the west thereof; thence south along said divide to the summit of Petit Jean Mountain; thence along said mountain to the point of beginning—containing an area of 8,440 acres, more or less.

REFUGE No. 2—OAK MOUNTAIN REFUGE

Oak Mountain Refuge. Beginning at the intersection of highway no. 7 and the Alum Fork Road in sec. 35, T. 2 N., R. 20 W., fifth principal meridian; thence north along said highway no. 7 to a point where said highway intersects the south line of the N $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 11, said township; thence east along the divide between the drainage of Little Bear Creek and streams to the north thereof to the southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 12, said township; thence easterly along said divide to the Oak Mountain Lookout Towers; thence southerly along the Oak Mountain Lookout Road to the intersection of said road with the Alum Fork Road; thence southwesterly along said Alum Fork Road to the point of beginning—containing 8,500 acres, more or less.

REFUGE No. 3—MUDDY CREEK REFUGE

Muddy Creek Refuge. Beginning at a point where the section line between secs. 13 and 14, T. 1 N., R. 24 W., fifth principal meridian, crosses the hydrographic divide to the south of Muddy Fork; thence north along the section line crossing Muddy Fork to the first hydrographic divide north of Muddy Fork leading to Muddy Creek Mountain; thence in a northerly direction along said divide to the summit of Muddy Creek Mountain at Lone Pine Lookout Tower; thence along the summit of Muddy Creek Mountain in a southwesterly direction to the section line between secs. 13 and 14, T. 1 N., R. 25 W., fifth principal meridian; thence along the divide around the head of Muddy Fork in a southerly direction to the section line between secs. 30 and 31, T. 1 N., R. 24 W., fifth principal meridian; thence continuing along the hydrographic divide separating the drainage of Muddy Fork from the drainage to the south thereof in a northeasterly direction to the point of beginning—containing 10,030 acres, more or less.

REFUGE No. 4—CANEY CREEK REFUGE

Caney Creek Refuge. Beginning at a point where the range line between T. 4 S., R. 29 W., and T. 4 S., R. 30 W., fifth principal meridian, crosses the divide between Caney Creek and the drainage to the south thereof; thence along said divide, known as Porter Mountain, in an easterly direction to Tall Peak; thence along the divide around the head of Caney Creek and Short Creek in a northerly direction to Buckeye Mountain; thence westerly along the divide between Short Creek and Sugar Creek to the range line between T. 4 S., R. 29 W., and T. 4 S., R. 30 W., fifth principal meridian; thence southerly along the range line to the point of beginning—containing 8,300 acres, more or less.

Warning against unauthorized acts. All persons are hereby informed that it is unlawful to hunt, catch, trap, willfully disturb, or kill any kind of game animals, game or nongame bird, or fish, or to take the eggs of any such bird, on any lands herein designated or in or on the waters thereof, except under

such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this 8th day of March, in the year of our Lord nineteen hundred and thirty-five, and of the Independence of the United States of America the one hundred and fifty-ninth.

By the President:
CORDELL HULL
Secretary of State.

FRANKLIN D ROOSEVELT

[No. 2119]

TERMINATION OF THE EXISTENCE OF THE NATIONAL LONGSHOREMEN'S LABOR BOARD

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 11, 1935.

A PROCLAMATION

WHEREAS by virtue of the authority contained in title I of the National Industrial Recovery Act (48 Stat. 195; U. S. C., title 15, sec. 701), and the joint resolution of June 19, 1934 (48 Stat. 1183), and in order to effectuate the purposes of said act and joint resolution, the President, by Executive Order No. 6748, of June 26, 1934, created in connection with the Department of Labor the National Longshoremen's Labor Board;

National Longshoremen's Labor Board. Preamble. Vol. 48, pp. 195, 1183 U. S. C., p. 552

WHEREAS said Board was authorized in connection with the longshoremen's strike on the Pacific coast and labor problems relating thereto to perform certain duties enumerated in section 3 of said Executive order;

WHEREAS section 4 of said Executive order provides that said Board shall cease to exist when in the opinion of the President it has completed the duties it is authorized to perform; and

WHEREAS I find that the said Board has completed the duties it was authorized to perform:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that the aforesaid National Longshoremen's Labor Board has completed the duties it was authorized to perform and has ceased to exist.

Termination of.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11th day of March, in the year of our Lord nineteen hundred and thirty-five, and of the Independence of the United States of America the one hundred and fifty-ninth.

By the President:
CORDELL HULL
Secretary of State.

FRANKLIN D ROOSEVELT

[No. 2120]

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of and pursuant to the power in me vested by the said act of August 27, 1935, do proclaim that the following-described lands in Lee County, State of Mississippi, are hereby established, dedicated, and set apart, subject to an easement of the Tennessee Valley Authority in and to an established electric transmission line, as the Ackia Battleground National Monument:

Establishment.

Easement of Tennessee Valley Authority.

Beginning at a point which lies north 41 degrees 03 minutes east 138.53 feet from the quarter section corner between sections 23 and 26, T. 9 S., R. 5 E., of the Chickasaw Meridian; thence north 80 degrees 03 minutes east 1166.0 feet to a point; thence south 55 degrees 10 minutes east 300.94 feet to a point; thence south 55 degrees 12 minutes east 479.8 feet to a point; thence south 29 degrees 45 minutes west 695.31 feet to a point; thence south 60 degrees 21 minutes west 933.6 feet to a point; thence north 64 degrees 26 minutes west 1236.0 feet to a point; thence north 31 degrees 49 minutes east 912.75 feet to the place of beginning, containing 49.15 acres of land and being parts of sections 23 and 26 T. 9 S., R. 5 E., of the Chickasaw Meridian, County of Lee, State of Mississippi.

Description.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

Warning against unauthorized acts.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

Supervision.

39 Stat. 535.
16 U. S. C. §§ 1, 2.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of October in the year of our Lord nineteen hundred and thirty-eight, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

OUACHITA NATIONAL WILDLIFE PRESERVE—ARKANSAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 29, 1938
[No. 2308]

A PROCLAMATION

WHEREAS by proclamation of March 8, 1935 (49 Stat. 3439), certain lands of the United States within the Ouachita National Forest, Arkansas, were designated as the "Muddy Creek Refuge"; and

Ouachita National Wildlife Preserve, Ark.
Preamble.
49 Stat. 3439.

WHEREAS it appears that it would be in the public interest to enlarge the said refuge, and to change the name thereof to "Ouachita National Wildlife Preserve":

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority

Area enlarged.

48 Stat. 128,
16 U. S. C. § 693.

Designation.

Description.

vested in me by the act of June 13, 1933, 48 Stat. 128 (U. S. C., title 16, sec. 693), and upon recommendation of the Secretary of Agriculture, do proclaim that the said Muddy Creek Refuge is hereby enlarged so that it shall include and be composed of the area within the following-described boundaries, and that such refuge shall hereafter be known as the "Ouachita National Wildlife Preserve":

Beginning at a point on the south line of Sec. 25, T. 2 N., R. 27 W., 5th P. M., where the east line of the right-of-way of Highway No. 28 intersects this section line approximately 30 chains west of the southeast corner of said section 25; thence in a northeasterly direction, following the east line of the right-of-way of Highway No. 28, approximately a third of a mile, to its intersection with Hurricane Ridge Road, which branches off to the east; thence in a northeasterly direction, following the south line of right-of-way of Hurricane Ridge Road, approximately five miles, to its intersection with the east line of SW $\frac{1}{4}$ SW $\frac{1}{4}$, section 12, T. 2 N., R. 26 W.; thence south to the south line of said section 12 and continuing south 5 chains into section 13, T. 2 N., R. 26 W.; thence east 20 chains; thence north 5 chains to the north line of said section 13; thence east along this section line 20 chains; thence north approximately 23 chains to the south line of the right-of-way of Little Texas Road; thence northeasterly, following the south line of said right-of-way approximately five miles to its intersection with West Gafford Creek near the east line of section 2, T. 2 N., R. 25 W.; thence following up west bank of West Gafford Creek in a southerly direction approximately 2 miles to a branch entering West Gafford Creek from the east in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, section 13, T. 2 N., R. 25 W.; thence in an easterly direction, following the south bank of said branch approximately 2 $\frac{1}{2}$ miles to its source and continuing approximately $\frac{1}{4}$ mile to the hydrographic divide between West Gafford Creek and Gafford Creek in the SE $\frac{1}{4}$ of section 8, T. 2 N., R. 24 W.; thence in a southwesterly direction approximately 4 miles along the top of said divide to the section line between sections 35 and 36, T. 2 N., R. 25 W.; thence south approximately $\frac{1}{2}$ mile along said section line, to the southeast corner of section 35; thence continuing south on the section line between sections 1 and 2, T. 1 N., R. 25 W., to the SE corner of section 2; thence east approximately 2 $\frac{1}{2}$ miles along section lines between sections 1 and 12, T. 1 N., R. 25 W., and sections 6 and 7 and 5 and 8, T. 1 N., R. 24 W., to the first hydrographic divide east of Ritter Creek; thence in a southeasterly direction, following said divide, approximately $\frac{1}{2}$ mile to the summit of Muddy Creek Mountain; thence following the divide of Muddy Creek Mountain in a northeasterly direction, to its summit at Lone Pine Lookout Tower in NW $\frac{1}{4}$, section 2, T. 1 N., R. 24 W.; thence, in a southeasterly direction, along the first hydrographic divide north of Muddy Creek leading from Muddy Creek Mountain approximately 1 $\frac{1}{4}$ miles to the section line between sections 11 and 12, T. 1 N., R. 24 W.; thence south along said section line and the section line between sections 13 and 14, said township approximately one mile, to the hydrographic divide to the south of Muddy Creek; thence in a southwesterly direction along said divide, approximately 5 miles to the approximate center of section 32, T. 1 N., R. 24 W., where this divide intersects a divide running north west and dividing Muddy Creek at the north from Wheat Creek to the south; thence following this divide in a northwesterly direction approximately one mile to the north and south quarter-section line of section 31, near its north quarter-section corner; thence in a south-

westerly direction, following a short ridge approximately $\frac{1}{2}$ mile to the west line of section 31, T. 1 N., R. 24 W.; thence south, with the west line of section 31 to the SW corner of said section; thence west with the south lines of T. 1 N., R. 25 W., and T. 1 N., R. 26 W., to the SW corner of section 35, T. 1 N., R. 26 W.; thence north with the west line of section 35 to the hydrographic divide south of West Fiddler's Creek; thence in a westerly direction following the hydrographic divide south of West Fiddler's Creek, approximately $2\frac{1}{4}$ miles to the junction of Forester Road and U. S. Highway No. 270 in the SW $\frac{1}{4}$, section 4, T. 1 S., R. 26 W.; thence in a northerly direction, following the east line of the right-of-way of Forester Road approximately 7 miles to its junction with East Cedar Road in the NE $\frac{1}{4}$, section 7, T. 1 N., R. 26 W.; thence in an easterly direction, following the south line of the right-of-way of East Cedar Road approximately $\frac{1}{4}$ mile to its intersection with the east section line of said section 7; thence north along this section line to the NE corner of section 6; thence east 2.89 chains to the SW corner of section 32, T. 2 N., R. 26 W.; thence north to the NW corner of said section 32; thence west along the south section line of section 30, T. 2 N., R. 26 W., and the south section line of section 25, T. 2 N., R. 27 W., to the place of beginning; containing 78,000 acres, more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of October in the year of our Lord nineteen hundred and thirty-eight, [SEAL] and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

MODIFICATION OF POSTAGE RATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 31, 1938
[No. 2309]

A PROCLAMATION

WHEREAS I find after survey that the interests of the public, in the promotion of the cultural growth, education, and development of the American people, require that the postage rates on books of the class hereinafter described be modified:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States, under and by virtue of the authority vested in me by section 2 of the act of June 16, 1933, 48 Stat. 254, as amended by section 515 of title III of the act of May 10, 1934, 48 Stat. 760, Public Resolution 36, approved June 28, 1935, 49 Stat. 431, and Public Resolution 48, approved June 29, 1937, 50 Stat. 358, do proclaim that the postage rate on books consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when mailed under such regulations as the Postmaster General shall prescribe, shall be for the period commencing November 1, 1938, and ending June 30, 1939, one and one-half cents a pound or fraction thereof, irrespective of the zone of destination.

Postage rates.
Preamble.

Rates on books of the class described modified for designated period.
48 Stat. 254, 760; 49 Stat. 431; 50 Stat. 358.
39 U. S. C. § 280 (note); Supp. IV, § 280 (note).

Appendix J
1934 Authority for National Wildlife Areas on National Forest Lands Reserved from the Public Domain

Statutory Authority

[16 U.S. Code § 694](#). Fish and game sanctuaries in national forests; establishment by President

For the purpose of providing breeding places for game birds, game animals, and fish on lands and waters in the national forests not chiefly suitable for agriculture, the President of the United States is authorized, upon recommendation of the Secretary of Agriculture and the Secretary of Commerce and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified and limited areas within said forests as fish and game sanctuaries or refuges which shall be devoted to the increase of game birds, game animals, and fish of all kinds naturally adapted thereto, but it is not intended that the lands included in such fish and game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such fish and game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such fish and game sanctuaries or refuges are authorized to be established.

(Mar. 10, 1934, ch. 54, § 1, 48 Stat. 400.)

[16 U.S. Code § 694a](#). Hunting, pursuing, capturing, etc., in sanctuaries in national forests unlawful

When such fish and game sanctuaries or refuges have been established as provided in section 694 of this title, hunting, pursuing, poisoning, angling for, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, angle for, kill, or capture any wild animals or fish for any purpose whatever upon the lands of the United States within the limits of said fish and game sanctuaries or refuges shall be unlawful except as hereinafter provided.

(Mar. 10, 1934, ch. 54, § 2, 48 Stat. 400; June 25, 1948, ch. 645, § 16, 62 Stat. 861.)

[16 U.S. Code § 694b](#). Rules and regulations for administration of sanctuaries in national forests; jurisdiction of States

The Secretaries of Agriculture and Commerce shall execute the provisions of sections 694 to 694b of this title, and they are jointly authorized to make all needful rules and regulations for the administration of such fish and game sanctuaries or refuges in accordance with the purpose of sections 694 to 694b of this title, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wildlife or agriculture within the limits of said fish and game sanctuaries or refuges: Provided, That the present jurisdiction of the States shall not be altered or changed without the legislative approval of such States.

(Mar. 10, 1934, ch. 54, § 1, 48 Stat. 400.)

Proclamations

No proclamations have ever been made, probably because of the requirement of the “approval of the State legislatures of the respective States in which said national forests are situated” ([16 U.S. Code § 694](#)). Some things have changed in the last eighty-seven years, so this requirement is not necessarily a deal killer in every US state today.

Appendix K
Francis Marion National Forest: Statute

Statutory Authority

[P.L. 80-257:](#)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing breeding places for game animals and birds and for the protection and administration of game animals and birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified federally owned areas within the Francis Marion National Forest as game sanctuaries and refuges.

SEC. 2. The Secretary of Agriculture shall execute the provisions of this Act, and he is hereby authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than \$500 or imprisonment for not more than six months or both.

Approved July 30, 1947.

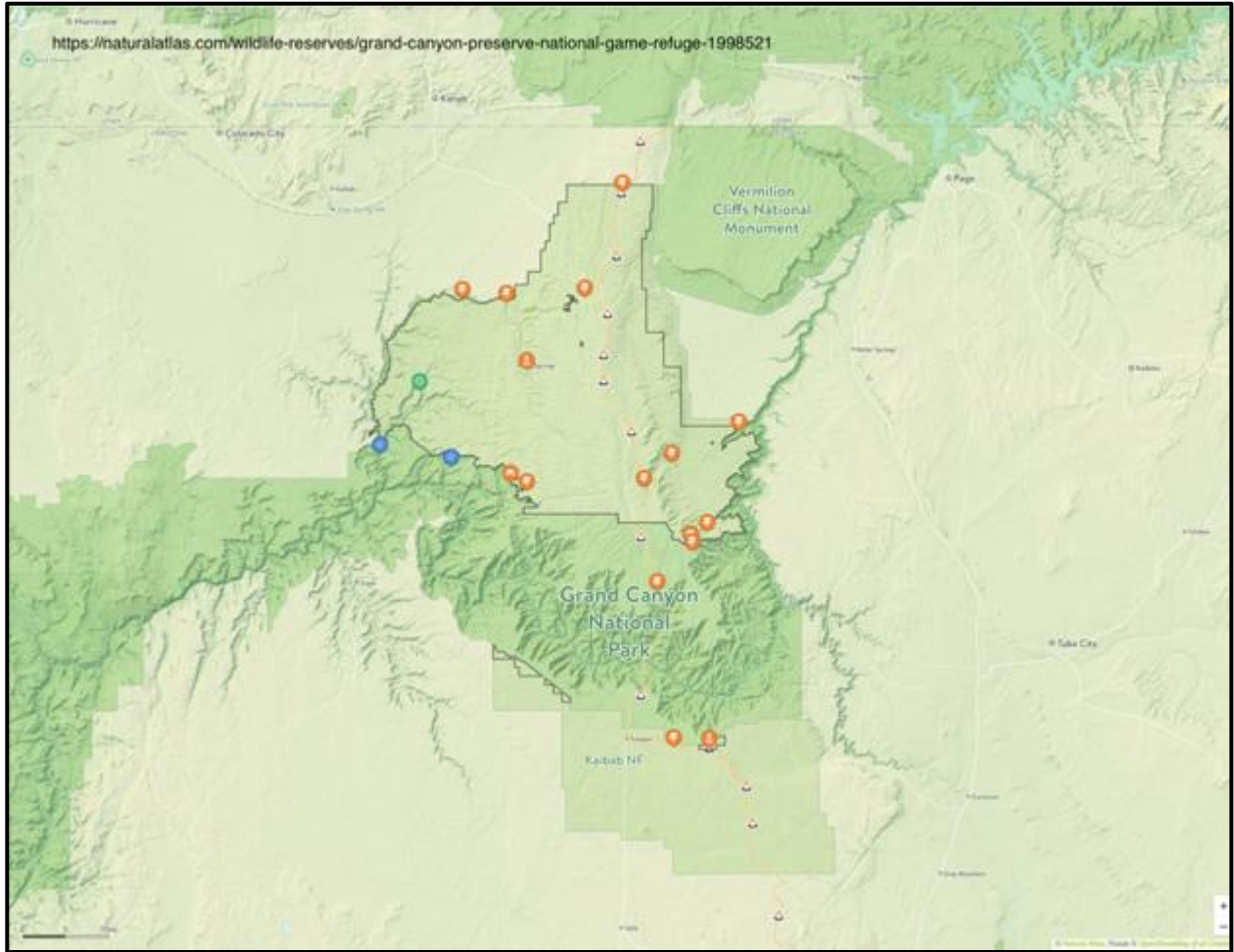
Proclamation

Proclamation No. 2785, 13 Fed. Reg. 2563 (May 12, 1948) can be found at the end of Appendix CC.

For More Information

- Francis Marion National Forest Wildlife Preserve (Appendix CC).

Appendix L
Grand Canyon National Game Preserve: Map and Proclamations



Map L-1. Grand Canyon National Game Preserve on the Kaibab National Forest, AZ. There are two units: one large unit north of Grand Canyon National Park, and one small unit south of the park. Source: NaturalAtlas.com.

Proclamations

President Theodore Roosevelt first proclaimed and later expanded the Grand Canyon National Game Preserve (GCNGP). His successor, President William Howard Taft, diminished the size of the GCNGP.

The Grand Canyon National Game Preserve was established by Proclamation of Nov. 28, 1906 (34 Stat. 3263), enlarged by Proclamation of June 23, 1908 (35 Stat. 2192), and diminished by Proclamation of June 3, 1909 (36 Stat. 2496). The lands of the Grand Canyon National Forest were divided among and combined with those of the Coconino and Kaibab National Forests by Proclamation of July 2, 1908 (35 Stat. 2196). [16 USC 684 Note](#).

The proclamations are reproduced at the end of this appendix.

Current Status

The Grand Canyon National Game Preserve is not depicted on the Forest Service’s official Kaibab National Forest: North Kaibab Ranger District (2012) map. It is depicted as “other

specially administered lands” on the Kaibab National Forest: Tusayan and Williams Ranger Districts (2016) map.

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer.

The Land and Resource Management Plan for the Kaibab National Forest (2014) says:

Grand Canyon Game Preserve

The Grand Canyon Game Preserve was established through a Presidential Proclamation by Theodore Roosevelt on June 29, 1906, to protect game species and their habitat on the Kaibab Plateau. The original proclamation does not provide a habitat management prescription, but provides a general statement about the vision. Section 1 of the Grand Canyon Game Preserve Act states, “The Reserve should be set aside for the protection of game animals and be recognized as a breeding place therefore.” The Forestwide plan direction for vegetation, wildlife, and other habitat features are consistent with the spirit of the proclamation. As a result, there is very little specific direction for this area.

Desired Conditions for the Grand Canyon Game Preserve

- The Grand Canyon Game Preserve provides quality habitat for game animals.
- There are a variety of vegetation types, in all stages of development, which provide a range of habitats for native and desired nonnative wildlife species, including natural predators.

Management Approach for the Grand Canyon Game Preserve

The Kaibab NF cooperates with the AGFD in carrying out the cooperative agreement for managing the Grand Canyon Game Preserve. The game preserve is managed in the spirit of the original proclamation, informed by advances in scientific information and societal values, with an emphasis on the wise use of natural resources.

I read the above as effectively saying that the Forest Service is doing nothing more or less than it does on the rest of the Kaibab National Forest and that it doesn’t consider the designation to be an encumbrance of any kind.

For More Information

USDA Forest Service. 2014. [Land and Resource Management Plan for the Kaibab National Forest](#) (pdf).

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 7, 1906.

A PROCLAMATION

WHEREAS, the public lands in the Territory of Arizona, which are hereinafter indicated, are in part covered with timber, and it appears that the public good would be promoted by setting apart said lands as a public reservation;

Tumacacori Forest Reserve, Ariz. Preamble.

And whereas, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes," "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

Vol. 29, p. 1103.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by section twenty-four of the aforesaid act of Congress, do proclaim that there are hereby reserved from entry or settlement and set apart as a Public Reservation, for the use and benefit of the people, all the tracts of land, in the Territory of Arizona, shown as the Tumacacori Forest Reserve on the diagram forming a part hereof.

Forest reserve, Arizona.

This proclamation will not take effect upon any lands withdrawn or reserved, at this date, from settlement, entry, or other appropriation, for any purpose other than forest uses, or which may be covered by any prior valid claim, so long as the withdrawal, reservation, or claim exists.

Lands excepted.

Warning is hereby given to all persons not to make settlement upon the lands reserved by this proclamation.

Reserved from settlement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 7th day of November, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:
ELIHU ROOT
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 28, 1906.

A PROCLAMATION

WHEREAS, it is provided by the act of Congress, approved June twenty-ninth, nineteen hundred and six, entitled, "An Act For the protection of wild animals in the Grand Canyon Forest Reserve," "That the President of the United States is hereby authorized to designate such areas in the Grand Canyon Forest Reserve as should, in his opinion, be set aside for the protection of game animals and be recognized as a breeding place therefor.

Game Preserve, Grand Canyon Forest Reserve, Ariz. Preamble. Stat., pp. 407, 3009, 3223.

"Sec. 2. That when such areas have been designated as provided in section one of this Act, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits

of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding one thousand dollars, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

"Sec. 3. That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands";

And whereas, for the purpose of giving this Act effect, it appears desirable that a part of the Grand Canyon Forest Reserve be declared a Game Preserve;

Grand Canyon
Forest Reserve,
Arizona.
Part of, set apart
as a game preserve.

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by the aforesaid Act of Congress, do hereby make known and proclaim that all those lands within the Grand Canyon Forest Reserve, lying north and west of the Colorado River, in the Territory of Arizona, are designated and set aside for the protection of game animals, and shall be recognized as a breeding place therefor, and that the hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said area is unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 28th day of November, in the year of our Lord one thousand nine hundred and six, and [SEAL] of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ELIHC ROOT
Secretary of State.

December 8, 1906.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

El Morro National
Monument, N. Mex.
Preamble.
Acto, p. 225.

Whereas, it is provided by section two of the Act of Congress, approved June 8, 1906, entitled, "An act for the preservation of American antiquities"; "That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected";

And whereas, the rocks known as El Morro and Inscription Rock in the Territory of New Mexico, situated upon public lands owned by the United States, are of the greatest historical value and it appears that the public good would be promoted by setting aside said rocks as a national monument with as much land as may be necessary for the proper protection thereof;

June 28, 1908.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Grand Canyon
National Game Pre-
serve, Ariz.
Preserving
Vol. 34, p. 607.

WHEREAS, it is provided by the Act of Congress, approved June twenty-ninth, nineteen hundred and six, entitled, "An Act for the protection of wild animals in the Grand Canyon Forest Reserve," "That the President of the United States is hereby authorized to designate such areas in the Grand Canyon Forest Reserve as should, in his opinion, be set aside for the protection of game animals and be recognized as a breeding place therefor.

"Sec. 2. That when such areas have been designated as provided in section one of this Act, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding one thousand dollars, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

"Sec. 3. That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands;"

Vol. 34, p. 8263.

And whereas, the Grand Canyon Game Preserve, in the Territory of Arizona, was established by proclamation dated November twenty-eighth, nineteen hundred and six:

And whereas, for the purpose of giving the said Act greater effect, it appears desirable to enlarge the said Game Preserve, in the Territory of Arizona, by including therein certain additional lands;

Boundaries
enlarged.

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the aforesaid Act of Congress, do hereby proclaim that all those lands within the area of the Grand Canyon National Game Preserve, as indicated on the attached diagram, are designated and set aside for the protection of game animals, and shall be recognized as a breeding place therefor, and that the hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said area is unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 28th day of June, in the year of our Lord one thousand nine hundred and eight, and
[SEAL.] of the Independence of the United States the one hundred and thirty-second.

By the President:
ALVEY A. ADEE
Acting Secretary of State.

THEODORE ROOSEVELT

mation will be permitted to present their applications to enter (or file their declaratory statements in cases where they are entitled to file declaratory statements) at the land office for any land district in which their numbers entitle them to make entry, in the order in which their applications for registration were selected and numbered, but no person can present more than one application to enter or file more than one declaratory statement.

Forfeiture.

8. If any person fails to apply to enter, or to file a declaratory statement if he is entitled to do so, on the day assigned him for that purpose, or if he presents more than one application for registration for lands within the same Reservation, or presents an application in any other than his true name, he will forfeit his right to make entry or filing under this Proclamation.

Occupancy.

9. None of the lands opened to entry under this Proclamation shall become subject to settlement or entry prior to the first day of September, 1910, except in the manner prescribed herein; and all persons are admonished not to make any settlement prior to that date on lands not covered by entries or filings made by them under this Proclamation. On September 1, 1910, all of said lands which have not then been entered under this Proclamation will become subject to settlement and entry under the general provisions of the homestead laws and the said Acts of Congress.

Regulations.

10. The Secretary of the Interior shall make and prescribe such rules and regulations as may be necessary and proper to carry this Proclamation and the said Acts of Congress into full force and effect.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 22nd day of May, in the year of our Lord one thousand nine hundred and nine and of [SEAL.] the Independence of the United States the one hundred and thirty-third.

WM H TAFT

By the President:

P C KNOX

Secretary of State.

June 3, 1909.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Grand Canyon National Game Preserve, Ariz.
Preamble.
Vol. 34, p. 3263.
Vol. 35, p. 2192.
Vol. 34, p. 607.

WHEREAS, portions of what formerly constituted the Grand Canyon National Forest, now known under the names of the Kaibab National Forest and Coconino National Forest, have been proclaimed the Grand Canyon National Game Preserve, under the authority granted in the Act of Congress, approved June twenty-ninth, nineteen hundred and six, entitled, "An Act For the protection of wild animals in the Grand Canyon Forest Reserve," which provides "That the President of the United States is hereby authorized to designate such areas in the Grand Canyon Forest Reserve as should, in his opinion, be set aside for the protection of game animals and be recognized as a breeding place therefor;

And whereas, it appears that the public good will be promoted by designating a smaller area for the said Game Preserve;

Boundaries defined.

Now, therefore, I, William H. Taft, President of the United States of America, by virtue of the power in me vested by the aforesaid Act of Congress, do proclaim that the boundaries of the said Grand Canyon National Game Preserve are hereby changed to exclude therefrom certain lands, and that the boundaries are as shown on the diagram

forming a part hereof; and that all those lands within the area of the Grand Canyon National Game Preserve, as indicated on the attached diagram, are designated and set aside for the protection of game animals, and shall be recognized as a breeding place therefor, and that the hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said area is unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 3rd day of June, in the year of our Lord one thousand nine hundred and nine, and of [SEAL.] the Independence of the United States the one hundred and thirty-third.

WM H TAFT

By the President:
P C KNOX
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 12, 1909

A PROCLAMATION

WHEREAS, certain natural caves, known as the OREGON CAVES, which are situated upon unsurveyed land within the Siskiyou National Forest in the State of Oregon, are of unusual scientific interest and importance, and it appears that the public interests will be promoted by reserving these caves with as much land as may be necessary for the proper protection thereof, as a National Monument:

Oregon Caves National Monument Oregon
Circular

Now, therefore, I, William Howard Taft, President of the United States of America, by virtue of the power in me vested by section two of the Act of Congress, approved June eight, nineteen hundred and six, entitled, "An Act For the preservation of American antiquities," do proclaim that there are hereby reserved from all forms of appropriation under the public land laws, subject to all prior valid adverse claims, and set apart as a National Monument, all the tracts of land in the State of Oregon shown as the OREGON CAVES NATIONAL MONUMENT on the diagram forming a part hereof.

National Monument Oregon
Vol. 34, p. 225.

The reservation made by this proclamation is not intended to prevent the use of the lands for National Forest purposes under the proclamations and Executive Order establishing the Siskiyou National Forest, but the two reservations shall both be effective on the land withdrawn, but the National Monument hereby established shall be the dominant reservation, and any use of the land which interferes with its preservation or protection as a National Monument is hereby forbidden.

Forest uses not affected.

Warning is hereby given to all unauthorized persons not to appropriate, injure, remove, or destroy any feature of this National Monument, or to locate or settle on any of the lands reserved by this proclamation.

Reserved from settlement, etc.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

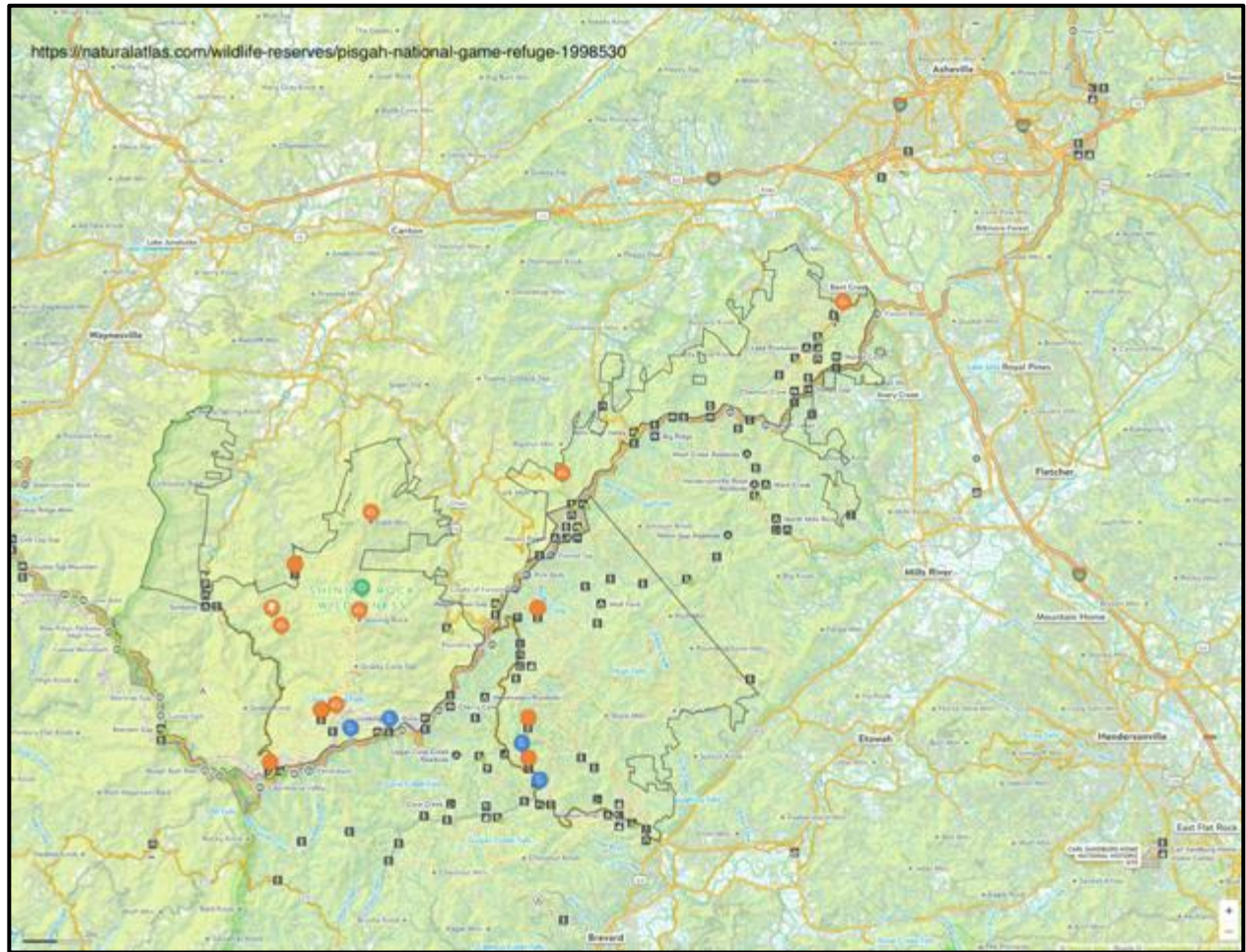
DONE At the City of Washington this 12th day of July in the year of our Lord one thousand nine hundred and nine, and of [SEAL.] the Independence of the United States the one hundred and thirty-fourth.

WM H TAFT

By the President:
P C KNOX
Secretary of State.

Appendix M

Pisgah National Game Preserve: Map and Proclamation



Map M-1. Pisgah National Game Preserve on the Pisgah National Forest, NC. Source: NaturalAtlas.com.

Proclamation

The proclamation of Oct. 17, 1916 (39 Stat. 1811) is reproduced at the end of this appendix.

Current Status

The Pisgah National Game Preserve is not depicted in the official Forest Service's Pisgah National Forest, Pisgah Ranger District Forest Visitor Map (2000). The area is noted on the Forest Service's [Automated Lands Program Land Status and Encumbrance](#) viewer. There is no mention of the Pisgah National Game Preserve in the Nantahala-Pisgah National Forest Plan (1994 amendment) or the new draft forest plan (2020).

For More Information

- USDA Forest Service. 1921. [Pisgah National Game Preserve: Regulations and Information for the Public](#) (booklet). US Government Printing Office.
- Matton, M. A. 1930. "A Sketch of the Pisgah National Game Preserve." *Journal of Forestry* 28:5, pages 675–678.
- Whitemire, David. July 24, 2017. [Pisgah National Game Preserve Turns 100](#). *Transylvania Times*, Brevard, NC.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 17, 1916.

A PROCLAMATION

WHEREAS, certain lands within the State of North Carolina acquired by the United States under authority of the Act of Congress approved March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-one), entitled "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," were, on the twenty-ninth day of September, 1916, designated as the Pisgah National Forest by the Secretary of Agriculture under authority of section eleven of said Act:

Pisgah National Forest, N. C. Preamble. Vol. 36, p. 961.

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, by virtue of the power in me vested by section eleven of said Act and by section twenty-four of the Act of March three, eighteen hundred and ninety-one, entitled, "An Act to repeal timberculture laws and for other purposes," do proclaim that the boundaries of the Pisgah National Forest as designated by the Secretary of Agriculture, are as shown on the diagram attached hereto and made a part hereof, and that all lands within such boundaries acquired by the United States under authority of the Act of March first, nineteen hundred and eleven, shall be reserved and administered as a National Forest.

National Forest, North Carolina. Vol. 36, p. 983. Vol. 26, p. 1103.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this seventeenth day of October, in the year of our Lord one thousand nine hundred and [SEAL.] sixteen, and of the Independence of the United States the one hundred and forty-first.

WOODROW WILSON

By the President:

ROBERT LANSING

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 17, 1916.

A PROCLAMATION

WHEREAS, it appears that the designation and setting aside of of the areas in the State of North Carolina, hereinafter indicated, for for the protection of game animals, birds, and fish, will promote the public good;

Pisgah National Game Preserve, N. C. Preamble.

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, by virtue of the power in me vested by the Act of Congress, approved August eleventh, nineteen hundred and sixteen, entitled, "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes," do proclaim that there are hereby designated and set aside for the protection of game animals, birds, and fish, all lands of the United States within the Pisgah National Forest in the State of North Carolina, purchased under the provisions of the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-one), entitled, "An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams," and Acts supplementary thereto and amendatory thereof, as shown on the diagram forming a part hereof, to be known as the Pisgah National Game Preserve.

Game Preserve, North Carolina.

Vol. 36, p. 961.

Warning against
hunting, fishing, etc.

Warning is hereby given to all persons not to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or non-game bird, or fish, or take the eggs of any such bird, on any lands herein designated, or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this seventeenth day of October, in the year of our Lord one thousand nine hundred and [SEAL.] sixteen, and of the Independence of the United States the one hundred and forty-first.

WOODROW WILSON

By the President:

ROBERT LANSING
Secretary of State.

October 25, 1916.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Old Kasaan National
Monument, Alaska.
Preamble.

WHEREAS, certain historic aboriginal ruins of the former Haida Indian village known as "Old Kasaan", situated upon public lands of the United States, on Prince of Wales Island, within the Tongass National Forest, in the Territory of Alaska, are of unusual ethnologic, scientific, and educational interest, as representing a distinctive type of aboriginal American civilization, the vestiges of which are rapidly disappearing, and it appears that the public interests would be promoted by reserving these ruins, with as much land as may be necessary for the proper protection thereof, as a National Monument;

National Monument,
Alaska.
Vol. 34, p. 225.

Now, therefore, I, WOODROW WILSON, President of the United States of America, by virtue of the power in me vested by section two of the Act of Congress approved June 8, 1906, entitled "An Act for the Preservation of American Antiquities", do proclaim that there is hereby reserved from appropriation and use of all kinds under all of the public land laws, subject to all prior valid adverse claims, and set apart as a National Monument, all that certain tract of land, in the Territory of Alaska, shown as the Old Kasaan National Monument on the diagram forming a part hereof.

Tongass National
Monument.
Use maintained.

The reservation made by this proclamation is not intended to prevent the use of the land for forest purposes under the proclamation establishing the Tongass National Forest. The two reservations shall both be effective on the land withdrawn, but the National Monument hereby established shall be the dominant reservation, and any use of the land which interferes with its preservation or protection as a National Monument is hereby forbidden.

Reserved from set-
tlement, etc.

Warning is hereby given to all unauthorized persons not to appropriate, injure, remove, or destroy any feature of this National Monument, or to locate or settle on any of the land reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

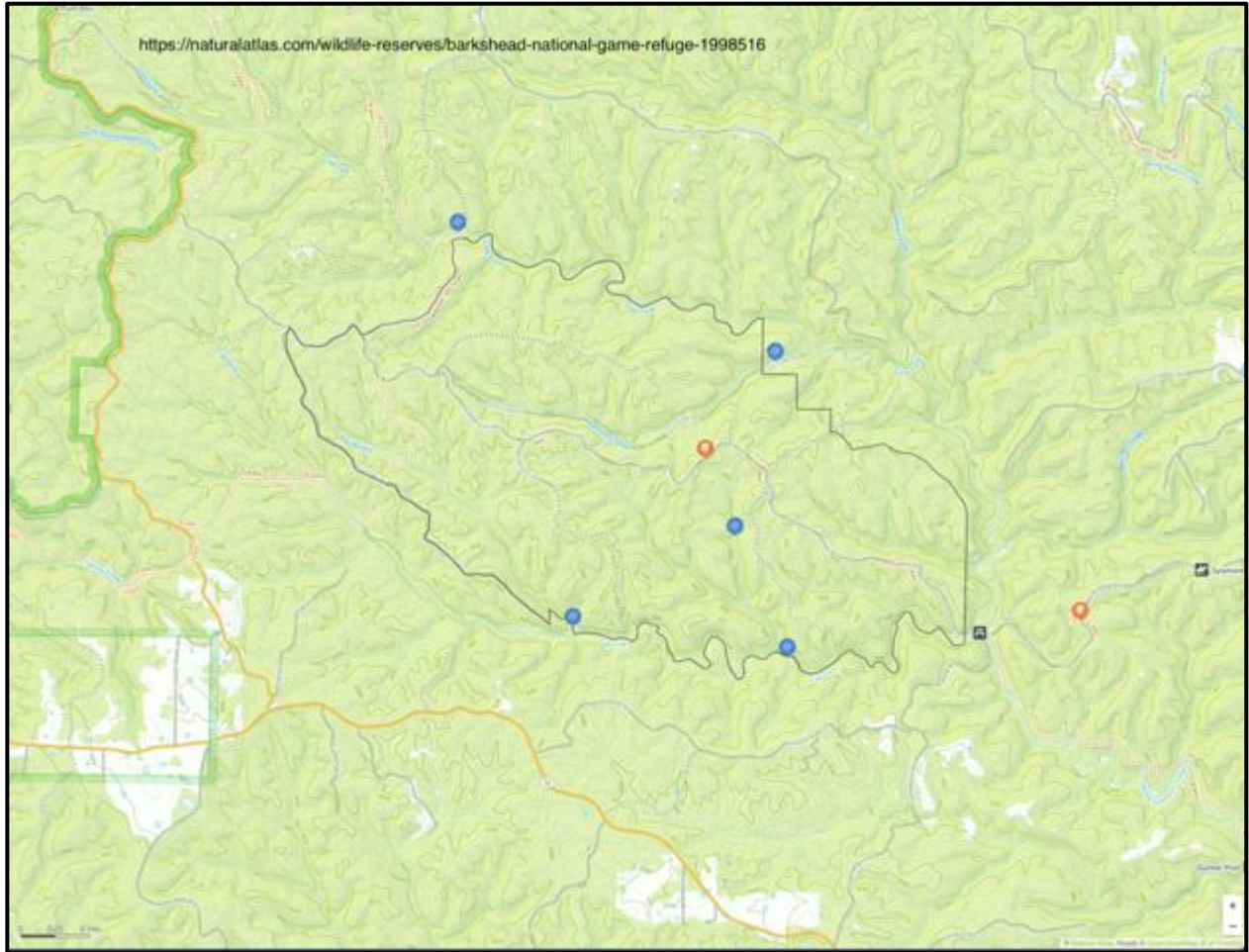
Done at the City of Washington this twenty-fifth day of October, in the year of our Lord one thousand nine hundred and [SEAL.] sixteen, and of the Independence of the United States the one hundred and forty-first.

WOODROW WILSON

By the President:

ROBERT LANSING
Secretary of State.

Appendix N
Barkshead National Game Refuge: Map and Proclamation



Map N-1. *Barkshead National Game Refuge on the Ozark National Forest, MO.* Source: NaturalAtlas.com.

Proclamation

The proclamation of June 13, 1928 (45 Stat. 2953) is reproduced at the end of this appendix.

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. The NGR is not depicted on the Forest Service’s official Ozark National Forest: Sylamore Ranger District (2020) map. There is no mention of the Barkshead National Game Refuge in the plan for the Ozark National Forest (2005). While the refuge is spelled as it is, the Forest Service’s “Barkshed” Trail and primitive campground are in the vicinity. Part of the NGR is now designated by the Forest Service as the Clifty Canyon Special Interest Area. Its depiction on the map shows that it includes only streams and their immediate steep canyons and not the flatter land on the above ridges, each of which features a logging road. The area isn’t special enough to the Forest Service to warrant a web page on it.

For More Information

Note: “Barkshed” in some contexts in an alternative spelling, if not pronunciation.

- USDA Forest Service. 2005. [Revised Land and Resource Management Plan: Ozark-St. Francis National Forests](#) (pdf).
- USDA Forest Service. 2005. [Ozark-St. Francis National Forests Revised Land and Resource Management Plan Map](#) (pdf).
- USDA Forest Service. [Barkshed Recreation Area](#) (web page).

PROCLAMATIONS, 1928

2953

are hereby added to the Plumas National Forest, subject to prior valid claims and the provisions of existing withdrawals other than the withdrawal of April 14, 1925, for classification under said act:

Mount Diablo Meridian

In T. 20 N., R. 6 E., Sec. 2, N $\frac{1}{2}$ Sec. 3, NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 22, SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24;
 In T. 26 N., R. 6 E., Lots 9 and 10 Sec. 2, Lots 1, 2, 3 and 6 Sec. 3, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 10, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 12;
 In T. 27 N., R. 6 E., SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29;
 In T. 20 N., R. 7 E., NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18;
 In T. 21 N., R. 7 E., Lot 8 Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, Lots 2 and 5 Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29;
 In T. 26 N., R. 7 E., Lot 8 Sec. 11;
 In T. 27 N., R. 8 E., Lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, Lots 4 and 5 Sec. 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and Lot 1, Sec. 18;
 In T. 27 N., R. 9 E., SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35;
 In T. 22 N., R. 12 E., NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25;
 In T. 21 N., R. 13 E., NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15;
 In T. 22 N., R. 13 E., SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, Lots 2 and 6 Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, S $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 5 Sec. 30, NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 32;
 In T. 23 N., R. 13 E., NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25;
 In T. 23 N., R. 14 E., Lot 4 Sec. 18, Lots 1, 2 and 3 Sec. 19, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33.

Lands added.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this ninth day of June in the year of our Lord one thousand nine hundred and twenty-eight, and of the Independence of the United States of America the one hundred and fifty-second.

CALVIN COOLIDGE

By the President:
 ROBERT E. OLDS
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 13, 1928.

A PROCLAMATION

Whereas, certain lands within areas adjoining the Ozark National Forest, in Arkansas, may be acquired by the United States under authority of the act of Congress approved March 1, 1911 (36 Stat. 961), as amended June 7, 1924 (43 Stat. 653);

Ozark National Forest, Ark. Prescrib. Vol. 26, p. 901; Vol. 43, p. 655.

And Whereas, it appears that the public good will be promoted by including said lands and other lands in such areas within the Ozark National Forest, and by designating and setting aside, under the provisions of the act of February 28, 1925 (43 Stat. 1091), certain lands within said national forest for the protection of game animals, birds, or fish;

Vol. 43, p. 1091.

Now, Therefore, I, CALVIN COOLIDGE, President of the United States of America, by virtue of the power in me vested by section

Area enlarged. Vol. 35, p. 393. Vol. 36, p. 36.

National Game Refuge No. 5 within, set aside.

Prior legal rights not affected.

Warning against unauthorized hunting, etc.

eleven of the aforesaid act of March 1, 1911, and by the act of Congress approved June 4, 1897 (30 Stat. 11 at 34 and 36), and by the said act of February 28, 1925, do proclaim that the boundaries of the Ozark National Forest are hereby changed to include the areas indicated as additions upon the diagram hereto annexed and forming a part hereof, and that there are hereby designated and set aside, for the protection of game animals, birds, and fish, all lands of the United States within the Ozark National Forest, as also indicated on said diagram, to be known as National Game Refuge number five.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public land laws or reserved for any public purpose, be subject to, and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained, or such reservation remains in force.

Warning is hereby given to all persons not to hunt, catch, trap, wilfully disturb or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, on the lands hereby designated as a game refuge or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 13th day of June in the year of our Lord one thousand nine hundred and twenty-eight, and of the Independence of the United States of America, the one hundred and fifty-second.

By the President:
FRANK B. KELLOGG
Secretary of State.

CALVIN COOLIDGE

July 2, 1928.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION

Aztec Ruins National Monument, N. Mex. President. Vol. 34, p. 225.

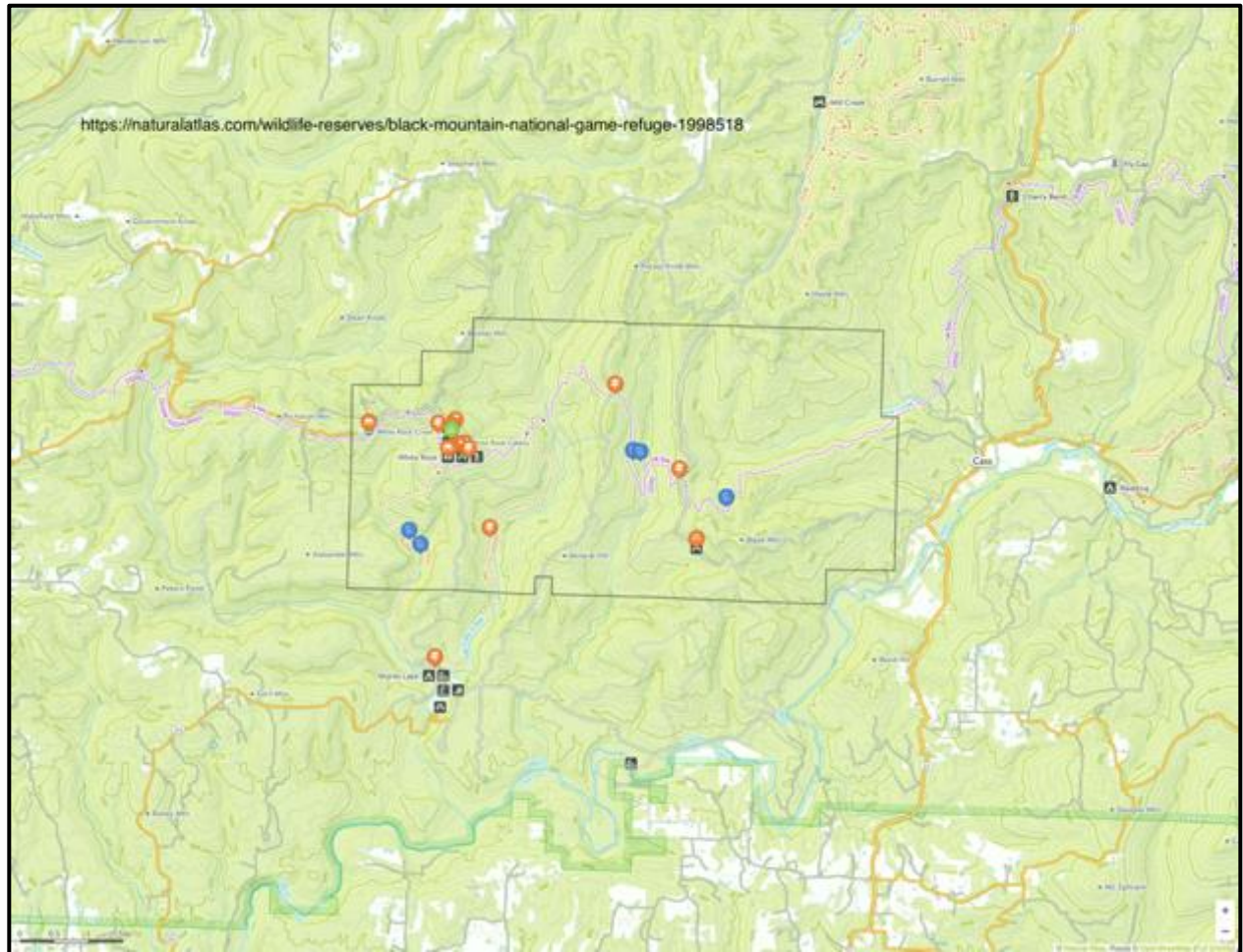
Description.

WHEREAS, the American Museum of Natural History, a corporation organized and existing by virtue of the laws of the State of New York, did on March 28, 1928, pursuant to the act of Congress entitled, "An Act for the preservation of American Antiquities" approved June 8, 1906, by its certain deed of conveyance, properly executed in writing and acknowledged, remise, release, and quit claim to the United States of America, the following mentioned lands at that time held in private ownership and situated in the County of San Juan in the State of New Mexico, and bounded and particularly described as follows, to wit:

Beginning 694.9 feet north and 376.25 feet east of the southwest corner of the southeast quarter of the southwest quarter of section four (4) township thirty (30) north, range eleven (11) west, New Mexico Principal Meridian, and from said beginning point running, N. 70°20' E. 405.3 feet, thence N. 37°41' E. 79.8 feet, thence N. 47°20' E. 157 feet, thence N. 5°00' E. 44 feet, thence N. 41°40' W. 45.3 feet, thence N. 15°40' W. 47 feet, thence N. 71°07' E. 38.7 feet, then S. 76°26' E. 180 feet, then N. 77°42' E. 227 feet, thence S. 00°24' W. 1163 feet, thence N. 80°24' W. 129.6 feet, thence N. 21°40' W. 538 feet, thence S. 66°25' W. 282.5 feet, thence N. 42°45' W. 436.4 feet, thence N. 81°23' W. 52.3 feet to place of beginning, containing 12.6 acres more or less, all in the southeast quarter of the southwest

Appendix O

Black Mountain National Game Refuge: Map and Proclamation



Map O-1. Black Mountain National Game Refuge on the Ozark National Forest, MO. Source: NaturalAtlas.com.

Proclamation

President Roosevelt established the Black Mountain National Game Refuge in 1935. The first proclamation referred to in the second proclamation, reproduced at the end of this appendix, can be found in Appendix N.

Current Status

The area is noted on the Forest Service's [Automated Lands Program Land Status and Encumbrance](#) viewer. The NGR is not depicted on the Forest Service's official Ozark National Forest: Boston Mountain Ranger District (2020) map. There is no mention of the Black Mountain National Game Refuge in the plan for the Ozark National Forest (2005). A 895-acre White Rock Geologic/Scenic Special Interest Area appears to be within the NGR. Some of the refuge has also been given over to the Salt Fork Walk-In Turkey Hunting Area. The White Rock Special Interest Area isn't special enough to the Forest Service to warrant a web page on it.

For More Information

- USDA Forest Service. 2005. [Revised Land and Resource Management Plan: Ozark-St. Francis National Forests](#) (pdf).

- USDA Forest Service. 2005. [Ozark-St. Francis National Forests Revised Land and Resource Management Plan Map](#) (pdf).

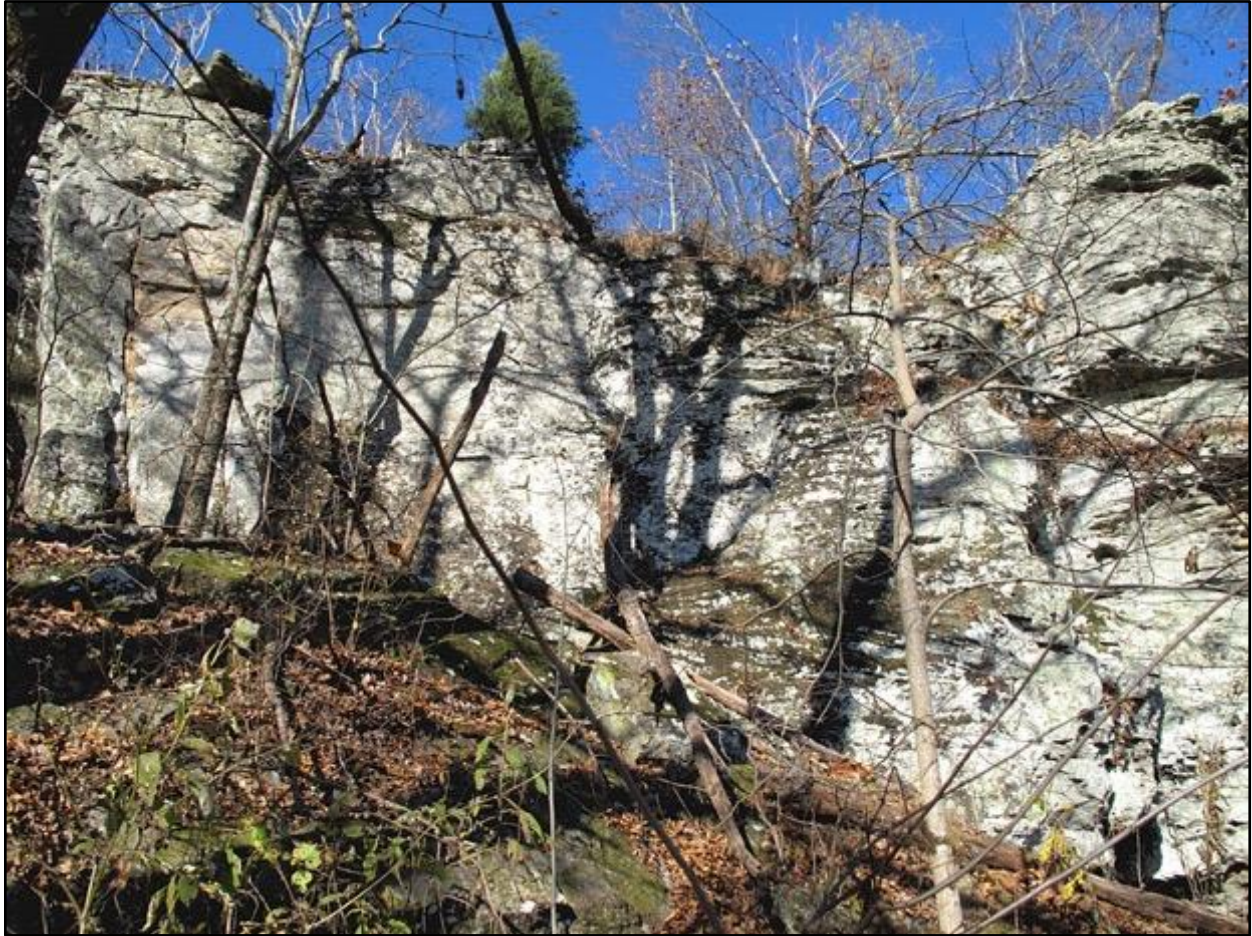


Figure O-1. *White Rock Mountain in the Black Mountain National Game Refuge.* Source: NaturalAtlas.com.

PROCLAMATIONS, 1935.

not interfere with or defeat legal rights under such claim nor prevent the use for such public purpose of any land so withdrawn, so long as such claim is legally maintained or such withdrawal remains in force.
 IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 14th day of October, in the year of our Lord nineteen hundred and thirty-five, and of [SEAL] the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D ROOSEVELT

By the President:
 CORDELL HULL
Secretary of State.

[No. 2143]

OZARK NATIONAL GAME REFUGE NO. 5—ARKANSAS

October 25, 1935.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Ozark National
 Game Refuge No. 5,
 Ark.
 Vol. 43, p. 2803.
 Area enlarged.
 Vol. 43, p. 1091.

WHEREAS it appears that it would be in the public interest to include the hereinafter-designated lands in national game refuge no. 5, established by proclamation of June 13, 1928, 45 Stat. 2953:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of February 28, 1925, 43 Stat. 1091, do hereby change the boundaries of the aforesaid national game refuge no. 5 so as to include within such refuge the following-described additional lands lying within the Ozark National Forest in the State of Arkansas:

Description.

FIFTH PRINCIPAL MERIDIAN
 T. 12 N., R. 27 W., sec. 15, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$;
 secs. 16 to 21, inclusive;
 sec. 22, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 secs. 27 to 33, inclusive;
 sec. 34, N $\frac{1}{2}$.
 T. 12 N., R. 28 W., secs. 13 and 14;
 sec. 15, S $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 sec. 16;
 secs. 21 to 28, inclusive;
 secs. 33 and 34;
 sec. 35, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 sec. 36.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

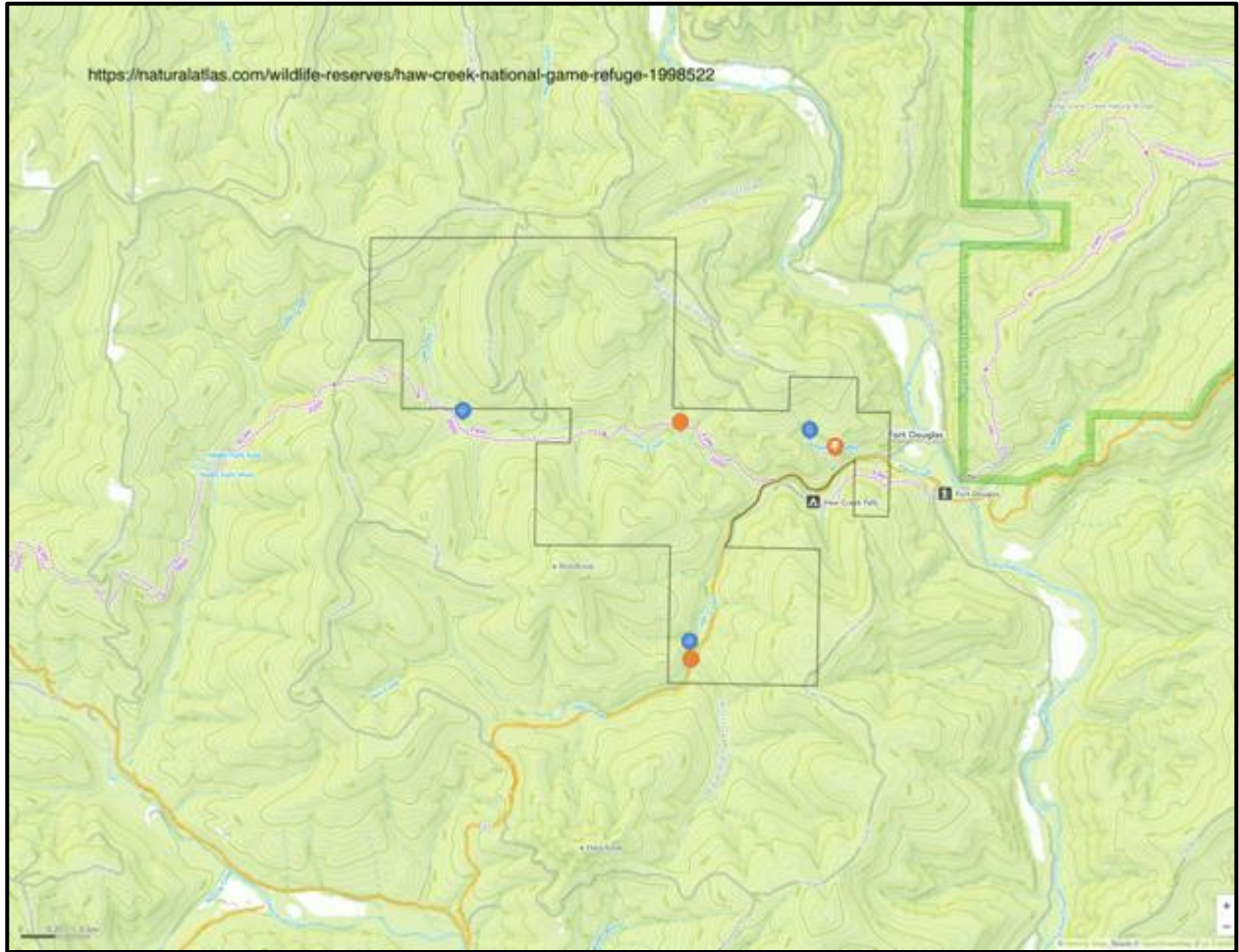
DONE at the City of Washington this 25th day of October, in the year of our Lord nineteen hundred and thirty-five, and of [SEAL] the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D ROOSEVELT

By the President:
 CORDELL HULL
Secretary of State.

[No. 2144]

Appendix P
Haw Creek National Game Refuge: Map and Proclamation



Map P-1. *Haw Creek National Game Refuge on the Ozark National Forest, MO.* Source: NaturalAtlas.com.

Proclamation

The proclamation can be found in Appendix N.

Current Status

The area is noted on the Forest Service's [Automated Lands Program Land Status and Encumbrance](#) viewer. The NGR is not depicted on the Forest Service's official Ozark National Forest: Boston Mountain Ranger District (2020) map. There is no mention of the Haw Creek National Game Refuge in the plan for the Ozark National Forest (2005).

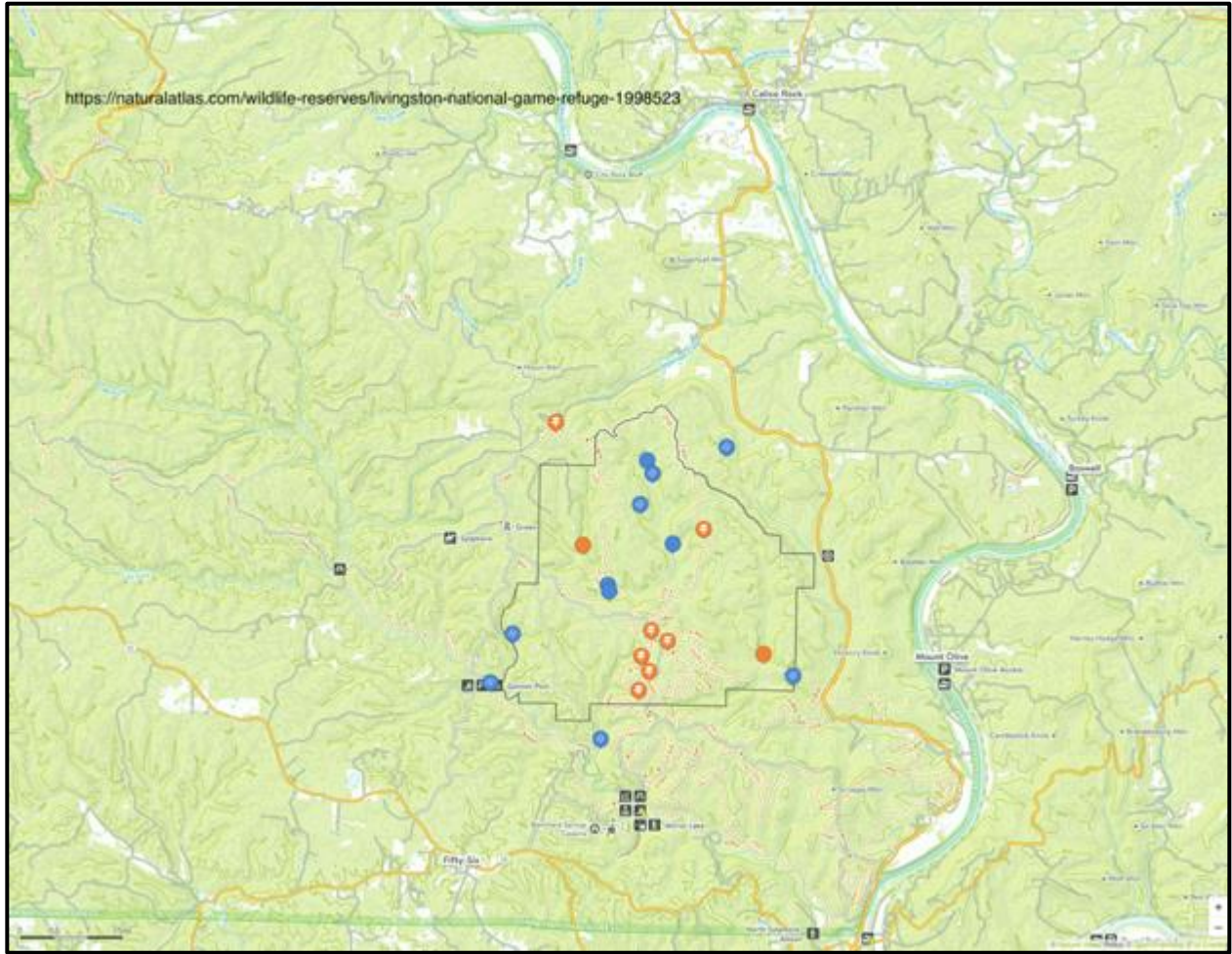
For More Information

- USDA Forest Service. 2005. [Revised Land and Resource Management Plan: Ozark-St. Francis National Forests](#) (pdf).
- USDA Forest Service. 2005. [Ozark-St. Francis National Forests Revised Land and Resource Management Plan Map](#) (pdf).



Figure P-1. *Haw Creek Falls in the Haw Creek National Game Refuge.* Source: [Arklahoma Hiker](#) © CC 3.0.

Appendix Q
Livingston National Game Refuge: Map and Proclamation



Map Q-1. Livingston National Game Refuge on the Ozark National Forest, MO. Source: NaturalAtlas.com.

Proclamation

The proclamation can be found in Appendix N.

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. The NGR is not depicted on the Forest Service’s official Ozark National Forest: Sylamore Ranger District (2020) map. There is no mention of the Haw Creek National Game Refuge in the plan for the Ozark National Forest (2005). It appears part of the NGR has been designated the Sylamore Experimental Forest and also the Sylamore Walk-In Turkey Hunting Area.

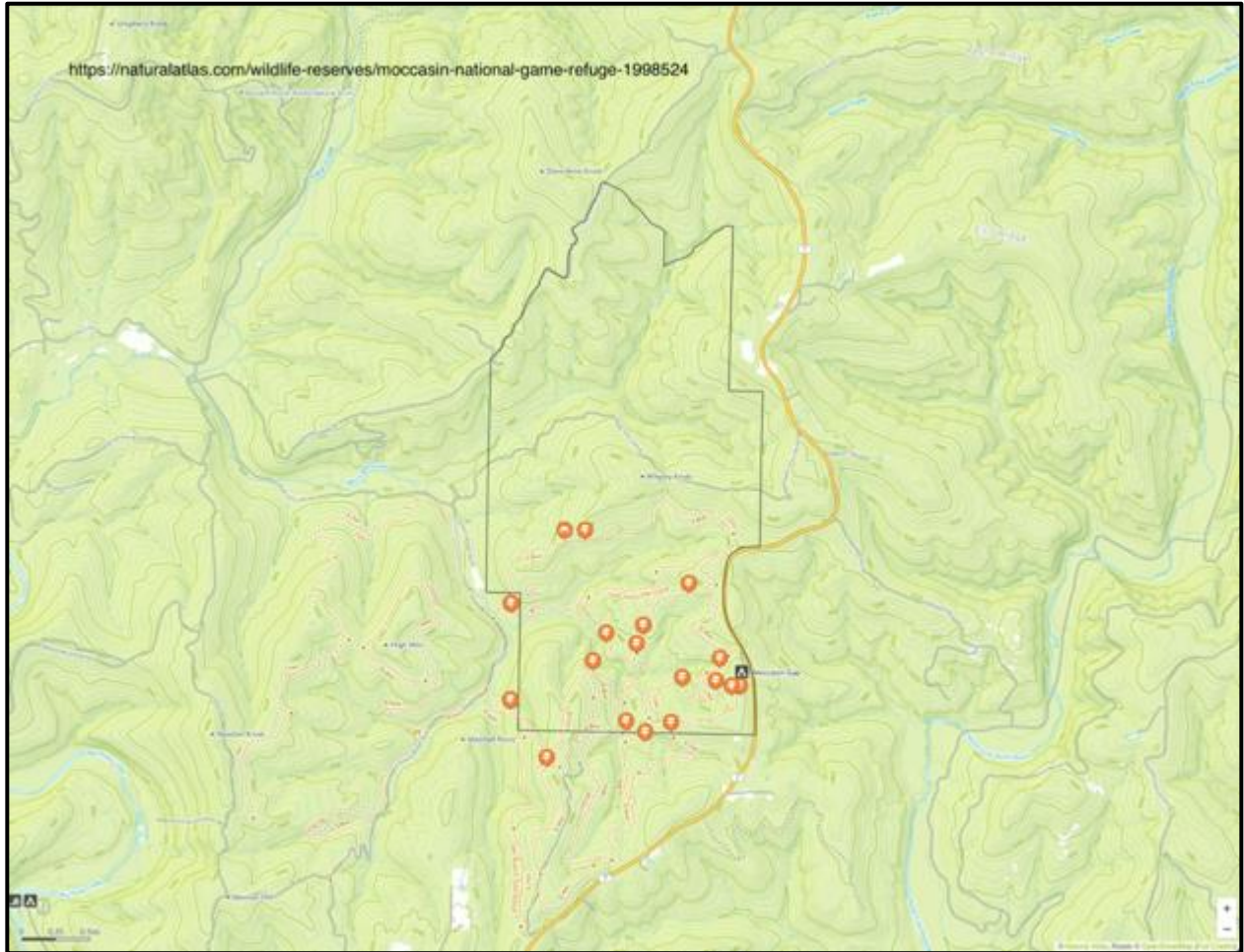
For More Information

- USDA Forest Service. 2005. [Revised Land and Resource Management Plan: Ozark-St. Francis National Forests](#) (pdf).
- USDA Forest Service. 2005. [Ozark-St. Francis National Forests Revised Land and Resource Management Plan Map](#) (pdf).



Figure Q-1. *Part of the Sylamore Experimental Forest overlaps with the Livingston National Game Refuge.* Source: Forest Service.

Appendix R
Moccasin National Game Refuge: Map and Proclamation



Map R-1. *Moccasin National Game Refuge on the Ozark National Forest, MO.* Source: NaturalAtlas.com.

Proclamation

The proclamation can be found in Appendix N.

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. The NGR is not depicted on the Forest Service’s official Ozark National Forest: Pleasant Hill, Big Piney, and Mt. Magazine Ranger Districts (2020) map. There is no mention of the Haw Creek National Game Refuge in the plan for the Ozark National Forest (2005). It appears the area has been given over to a network of off-road vehicle trails.

For More Information

- USDA Forest Service. 2005. [Revised Land and Resource Management Plan: Ozark-St. Francis National Forests](#) (pdf).
- USDA Forest Service. 2005. [Ozark-St. Francis National Forests Revised Land and Resource Management Plan Map](#) (pdf).

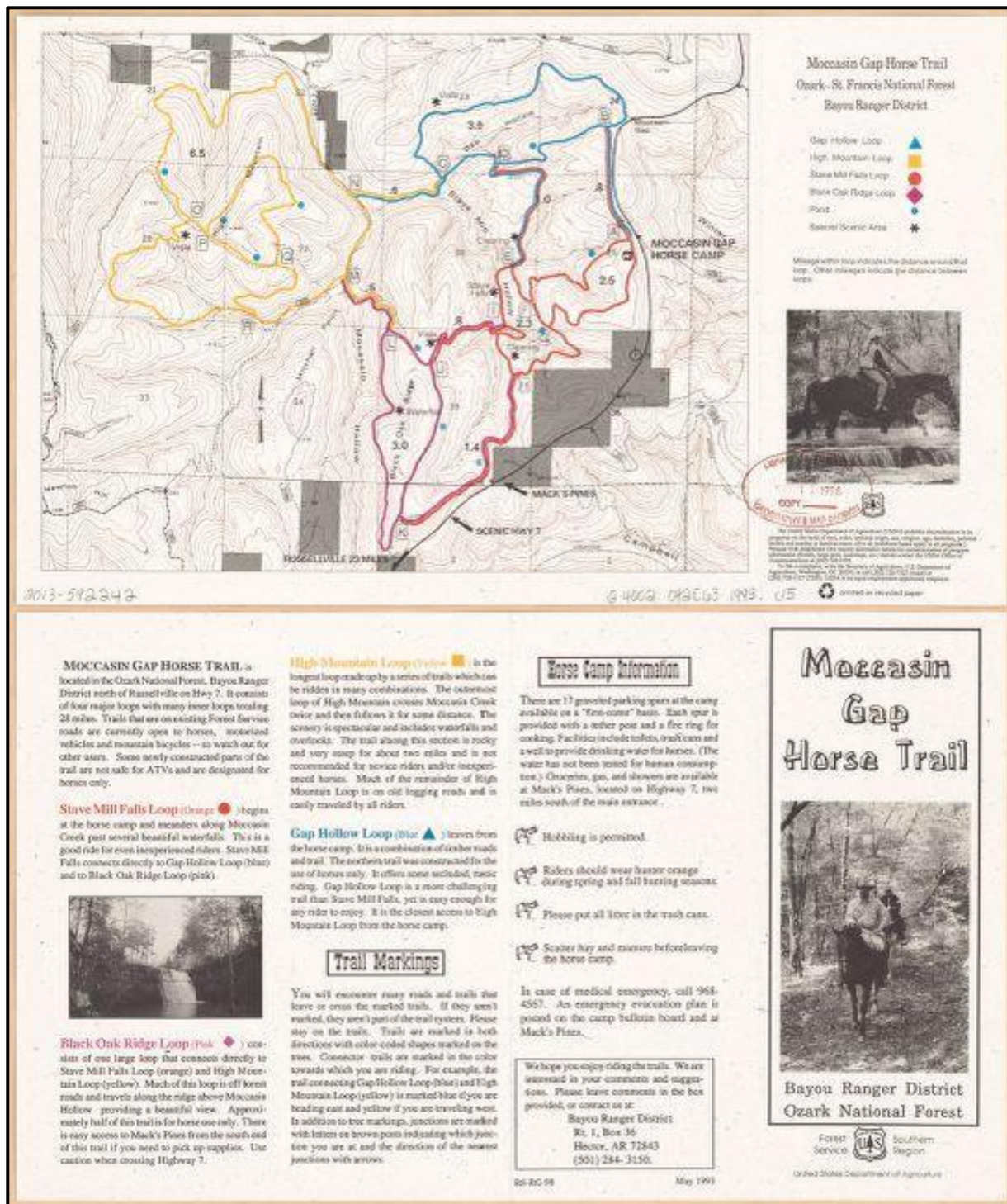
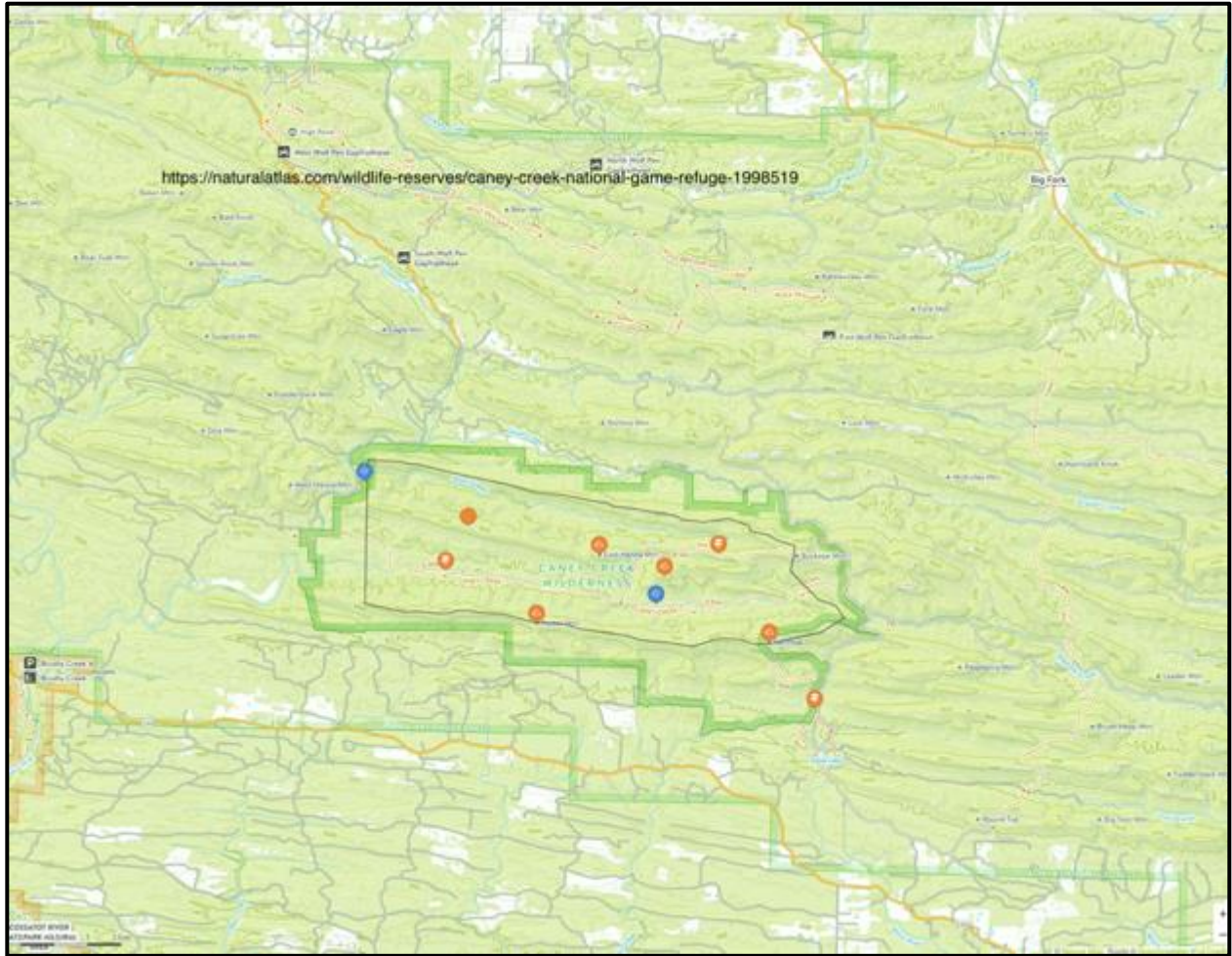


Figure R-1. By 1995, the Moccasin Gap Horse Trail outranked the Moccasin Gap National Game Refuge.
Source: Library of Congress.

Appendix S
Caney Creek National Game Refuge: Map and Proclamation



Map S-1. *Caney Creek National Game Refuge on the Ouachita National Forest, AR.* Source: NaturalAtlas.com.

Proclamation

The proclamation can be found in Appendix I.

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. The NGR is not depicted on the Forest Service’s official Ouachita National Forest Visitor Map (2016). There is no mention of the Caney Creek National Game Refuge in the plan for the Ouachita National Forest (2005). Almost, but not quite, all of the NGR is within the Caney Creek Wilderness.

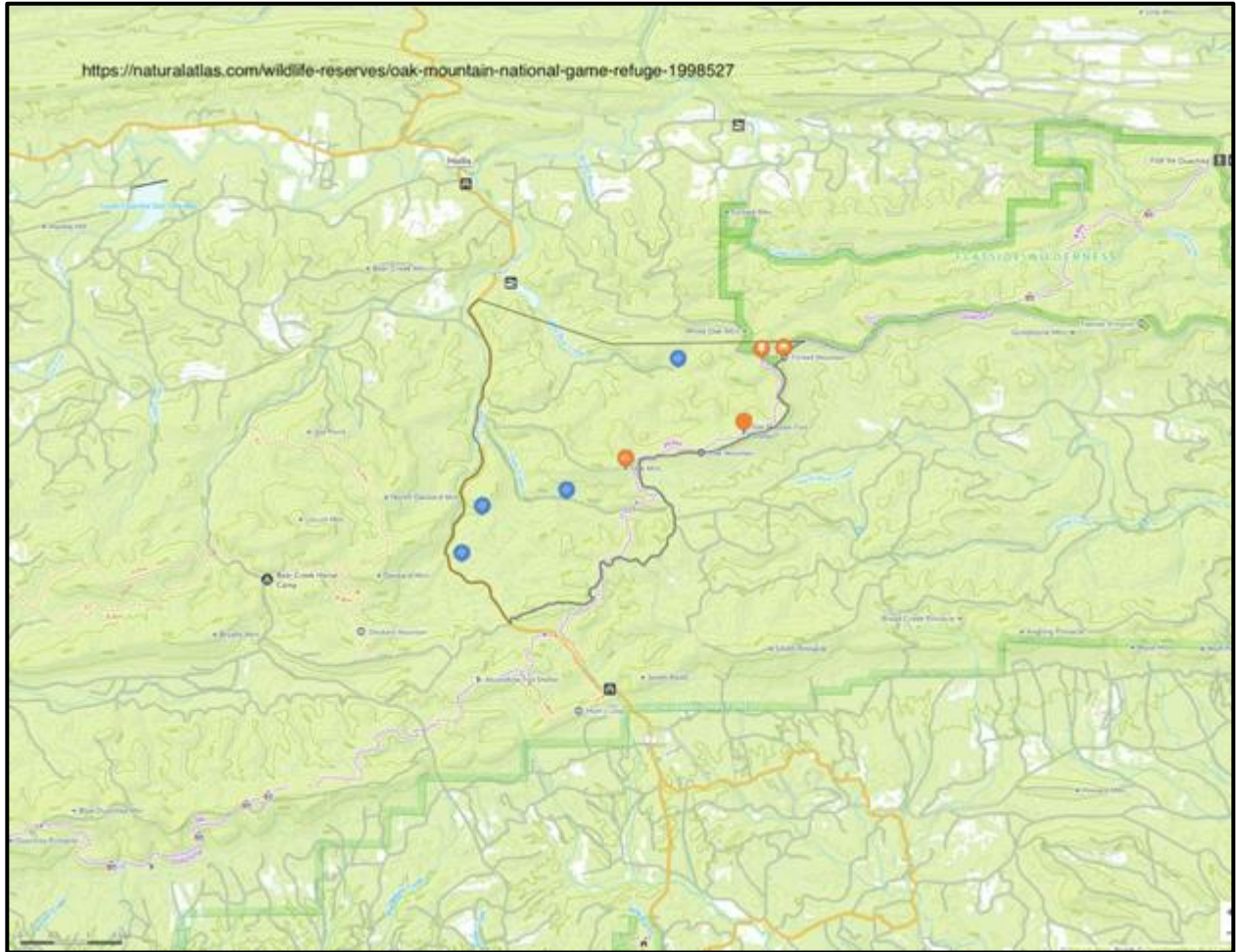
For More Information

- USDA Forest Service. 2005. [Revised Land and Resource Management Plan: Ouachita National Forest](#) (pdf).
- USDA Forest Service. 2005. [Ouachita National Forest Revised Land and Resource Management Plan Map](#) (pdf).



Figure S-1. *Caney Creek Wilderness*. Source: Wilderness Connect.

Appendix T
Oak Mountain National Game Refuge: Map and Proclamation



Map T-1. *Oak Mountain National Game Refuge on the Ouachita National Forest, AR.* Source: NaturalAtlas.com.

Proclamation

The proclamation can be found in Appendix I.

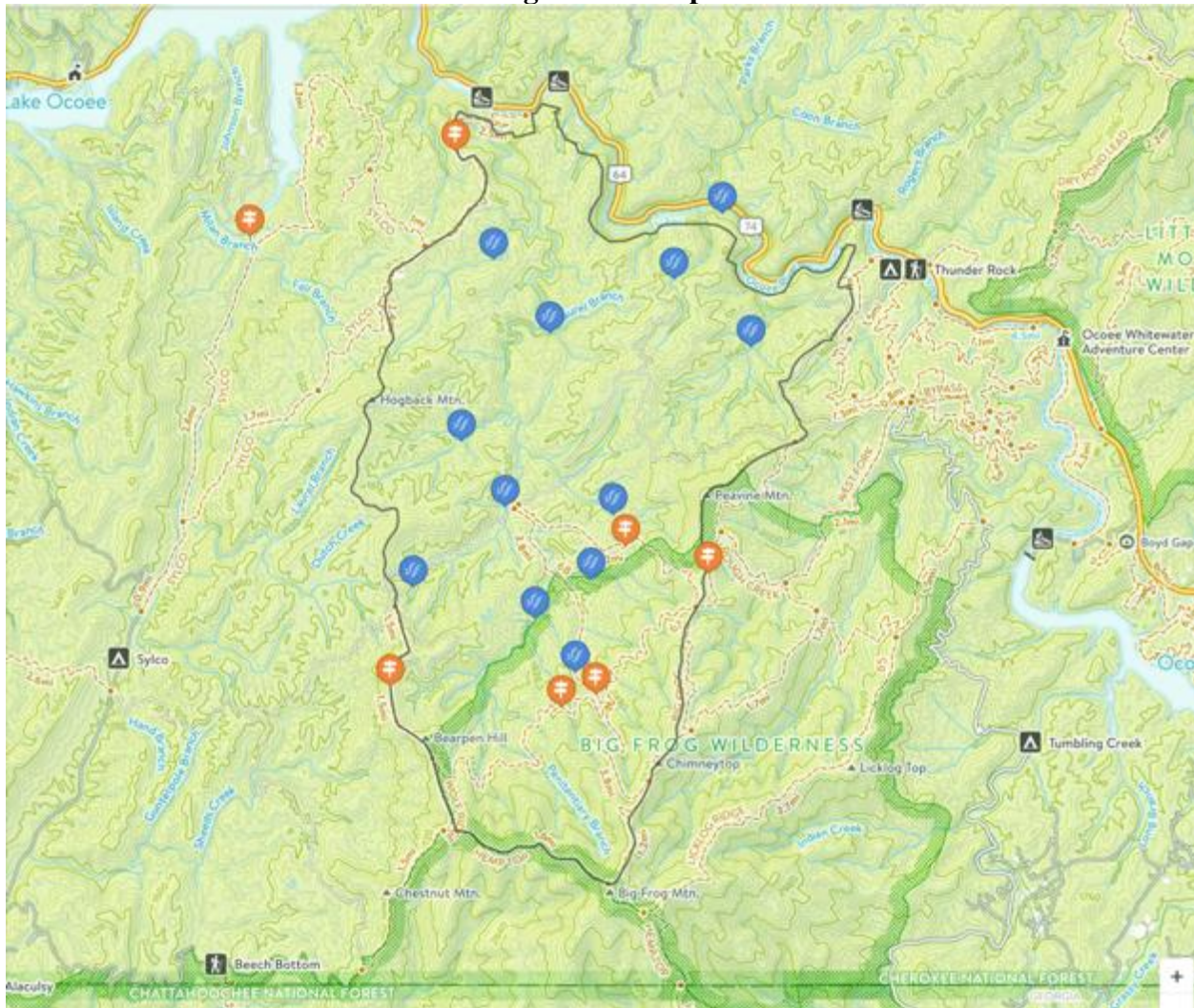
Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. The NGR is not depicted on the Forest Service’s official Ouachita National Forest Visitor Map (2016). There is no mention of the Oak Mountain National Game Refuge in the plan for the Ouachita National Forest (2005).

For More Information

- USDA Forest Service. 2005. [Revised Land and Resource Management Plan: Ouachita National Forest](#) (pdf).
- USDA Forest Service. 2005. [Ouachita National Forest Revised Land and Resource Management Plan Map](#) (pdf).

Appendix U
Cherokee Game Refuge No. 1: Map and Proclamations



Map U-1. *Cherokee National Game Refuge No. 1 on the Ozark National Forest, MO.* Source: NaturalAtlas.com.

Proclamations

On August 5, 1924, President Coolidge established the Cherokee Game Refuges, No. 1 in Tennessee and No. 2 in Georgia (43 Stat. 1964). No. 1 was reduced in size by President Franklin Roosevelt on October 22, 1934 (49 Stat. 3423). No. 2 was renamed and resized by President Franklin Roosevelt in 1934. Later, the Cherokee Game Refuge No. 2 was renamed the Noontootly National Game Refuge (Appendix Z).

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. A portion has been included in the Big Frog Wilderness. The NGR is not depicted on the Forest Service’s official Cherokee National Forest, Ocoee-Hiwassee District, Forest Visitor (2016) map. There is no mention of the Cherokee National Game Refuge No. 1 in the plan for the Cherokee National Forest.

For More Information

(Essentially the area has been lost to knowledge—at least on the Internet.)



Figure U-1. *Part of the Cherokee National Game Refuge No. 1 is now in the Big Frog Wilderness. Source: Wilderness Connect.*

1964

PROCLAMATIONS, 1924.

August 5, 1924.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Cherokee National Game Refuges, Tenn. and Ga.
Preamble.

Game refuges, Tennessee and Georgia.
Vol. 39, p. 176.

Within Cherokee National Forest, Tenn. and Ga.
Vol. 38, p. 961.
Vol. 41, p. 1796.

Warning against unauthorized hunting, etc.

WHEREAS, it appears that the designation and setting aside of the areas in the States of Tennessee and Georgia, hereinafter indicated, for the protection of game animals, birds, and fish will promote the public good:

NOW, THEREFORE, I, Calvin Coolidge, President of the United States of America, by virtue of the power in me vested by the act of Congress approved August eleventh, nineteen hundred and sixteen entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes," do proclaim that there are hereby designated and set aside for the protection of game animals, birds, and fish all lands of the United States within the Cherokee National Forest in the States of Tennessee and Georgia, purchased under the provisions of the act of March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-one), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams," and acts supplementary thereto and amendatory thereof, as shown on the diagram forming a part hereof, to be known as the Cherokee National Game Refuges Numbers One and Two.

Warning is hereby given to all persons not to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, on any lands herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this fifth day of August, in the year of our Lord one thousand nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-ninth.

CALVIN COOLIDGE

By the President:
JOSEPH C. GREW
Acting Secretary of State.

August 8, 1924.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Medicine Bow National Forest, Wyo.
Preamble.
Amr. p. 594.

Arrowsmiths.

WHEREAS, it appears that certain public lands within the area described in the act of Congress approved June 7, 1924 (Public No. 229), which have been found under the terms of said act to be chiefly valuable for national forest purposes, should be added to the Medicine Bow National Forest, in the State of Wyoming, and designated as a refuge for the protection and propagation of game animals and birds;

Now, therefore, I, CALVIN COOLIDGE, President of the United States of America, by virtue of the power in me vested by the afore-

WHEREAS Senate Concurrent Resolution 18, Sixty-ninth Congress, provides, in part: Vol. 44, p. 1082.

"That the President of the United States is requested to issue a proclamation calling upon the officials to display the flag of the United States on all Government buildings on November 11 and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of our gratitude for peace and our desire for the continuance of friendly relations with all other peoples";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on November 11, 1934, and do invite the people of the United States to observe the day with appropriate ceremonies in schools and churches, or other suitable places. Directing display of flag and inviting observance of.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 15th day of October, in the year of our Lord nineteen hundred and thirty-four, and [SEAL] of the Independence of the United States of America the one hundred and fifty-ninth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2104]

CHEROKEE NATIONAL GAME REFUGE NO. 1--TENNESSEE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 22, 1934.

A PROCLAMATION

WHEREAS Cherokee National Game Refuge No. 1, in the State of Tennessee, was established by proclamation of August 5, 1924 (43 Stat. 1964); and Cherokee National Game Refuge No. 1, Tennessee, Preamble, Vol. 43, p. 1064.

WHEREAS it now appears that it would be in the public interest to reduce the area of the aforesaid game refuge as hereinafter indicated:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by the act of Congress approved August 11, 1916 (39 Stat. 446, 476, 16 U. S. C., sec. 683), do proclaim that the boundaries of the aforesaid Cherokee National Game Refuge No. 1 are hereby modified and that there are hereby set aside for the protection of game animals, birds, and fish, all lands of the United States within the Cherokee National Forest in the State of Tennessee purchased under the provisions of the act of March 1, 1911 (36 Stat. 961), and the acts supplemental thereto and amendatory thereof, lying within the following-described boundaries: Boundaries modified, Vol. 39, p. 476; U. S. O., p. 683.

Beginning at a point on Big Frog Mountain within Polk County, Tennessee, at a Forest Service concrete post surrounded by a mound of stone marked "479-1934", whence a 7-in. white oak bears N. 80° E., 33 ft., blazed and scribed "BT 479", and a 6-in. white oak bears N. 62° W., 31 ft., blazed and scribed "BT 479"; thence in a northwesterly direction along the hydrographic divide between Big Creek on the east and Jacks River and Syclo Creek on the west to Protection of game, etc. Vol. 36, p. 901.

Description.

Forest Service corner serial no. 530, which is a Forest Service standard concrete post marked "530-1934", whence a 10-in. red oak bears S. 57° W., 21 ft., blazed and scribed "BT 530", and an 8-in. chestnut-oak post bears N. 63° E., 13 ft., blazed and scribed "BT 530"; thence in an easterly direction following the property line between lands of the United States on the south and lands of the Tennessee Power Company on the north to Forest Service corner serial no. 528, a concrete post marked "528-1934", whence an 8-in. white oak bears S. 26° W., 18 ft., blazed and scribed "BT 528", and a 6-in. white oak bears S. 41° E., 14 ft., blazed and scribed "BT 528"; thence in a south-easterly direction along the divide between Short Creek on the west and Little Gassaway Creek on the east to the divide between Big Creek on the west and Rough Creek on the east to the point of beginning. This area is intended to include all of the watershed of Big Creek, Short Creek, and Tolliver Shanty Branch, tributaries of the Ocoee River.

Refuge No. 2 in Georgia not affected.

Warning against unauthorized acts.

It is not intended by this proclamation to modify in any manner the boundaries of Cherokee National Game Refuge No. 2 in the State of Georgia, as defined by said proclamation of August 5, 1924.

All persons are hereby informed that it is unlawful to hunt, catch, trap, wilfully disturb, or kill any kind of game animal, game or non-game bird, or fish, or to take the eggs of any such bird, on any lands herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 22^d day of October, in the year of our Lord nineteen hundred and thirty-four, and of [SEAL] the Independence of the United States of America the one hundred and fifty-ninth.

FRANKLIN D. ROOSEVELT

By the President:

WILLIAM PHILLIPS

Acting Secretary of State.

[No. 2105]

MERCHANDISE IN BONDED WAREHOUSE

November 8, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Merchandise in bonded warehouse.

Statutory authorization.

Vol. 46, p. 606.

Vol. 46, p. 744.

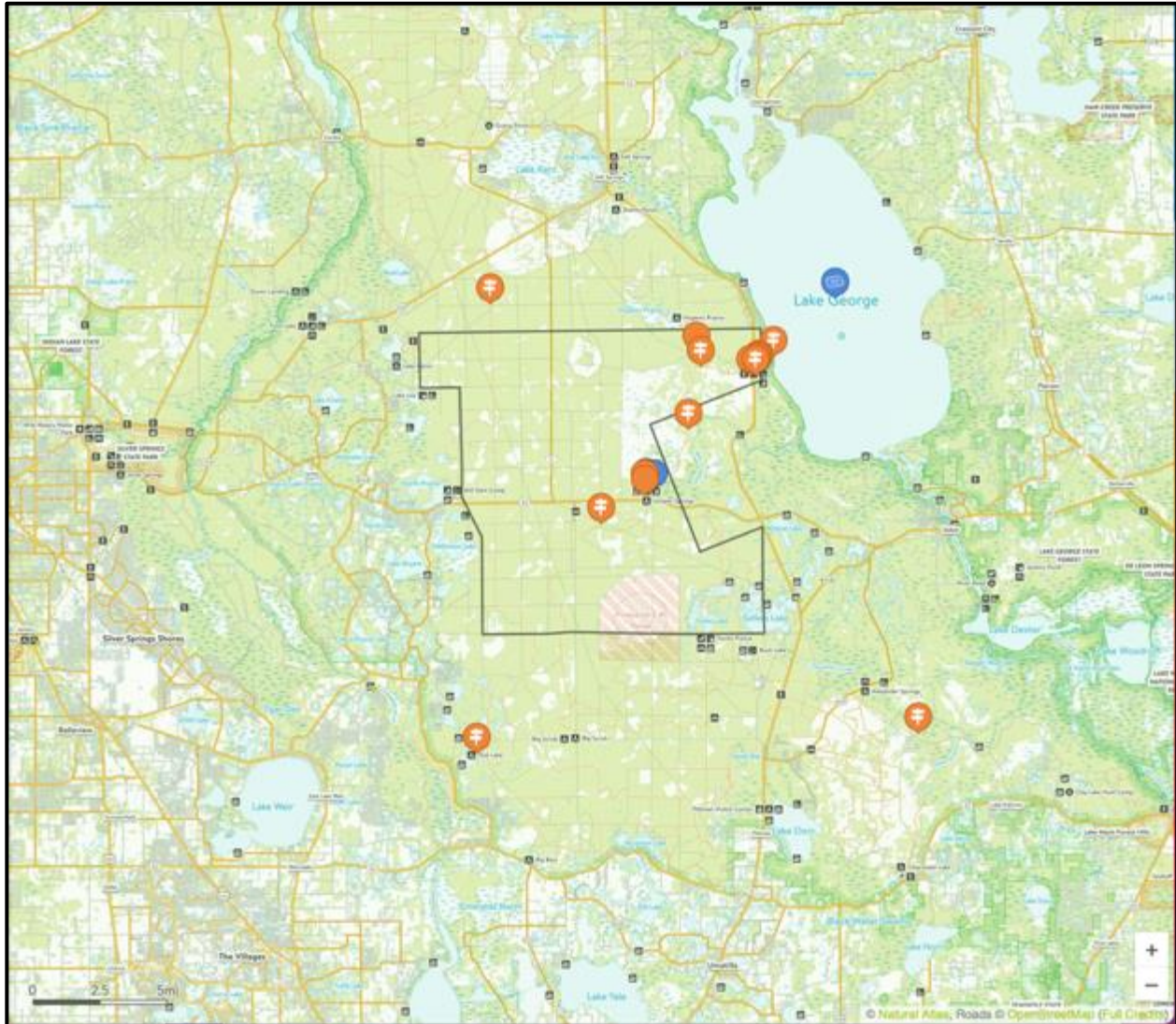
WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * * ; and

WHEREAS section 557 of the said act provides:

"Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than firecrackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. Such merchandise may be withdrawn, at any time within three years (or

Appendix V
Ocala National Game Refuge: Map, Proclamation, and Executive Order



Map V-1. *Ocala National Game Refuge on the Ocala National Forest, FL.* Source: NaturalAtlas.com.

Proclamation and Executive Order

On July 24, 1930, President Hoover proclaimed the Ocala National Game Refuge. On March 1, 1932 (46 Stat 3031) Hoover expanded the game refuge by Executive Order 5814. Both are reproduced at the end of this appendix.

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. A portion has been included in the Juniper Prairie Wilderness. The NGR is not depicted on the Forest Service’s official Ocala National Forest Visitor Map (2013). There is no mention of the Ocala National Game Refuge in the plan for the Ocala National Forest (1999).

For More Information

- LaHart, David. 1969. [Entrance to the Ocala National Game Refuge at the Ocala National Forest - Marion County, Florida](#) (photograph). Florida Memory: State Library and Archives of Florida.



Figure V-1. The *Ocala National Game Refuge* entrance. Source: Wikipedia.

No. 1919

PROCLAMATIONS, 1930.

3031

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 24, 1930.

A PROCLAMATION

WHEREAS it appears that the designation and setting aside of the area in the State of Florida hereinafter described, for the protection of game animals and birds, will promote the public good:

Ocala Game Refuge, Fla. Preamble.

NOW, THEREFORE, I, HERBERT HOOVER, President of the United States of America, by virtue of the power in me vested by the act of Congress approved June 28, 1930 (Public Law No. 466, 71st Congress) entitled "An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida," do proclaim that there are hereby designated and set aside for the protection of game animals and birds, to be known as the Ocala National Game Refuge, all lands of the United States within the area in the Ocala National Forest, in the State of Florida, described as follows:

Set aside, within Ocala National Forest. Act, p. 827.

Beginning on the north line of section 24, township 14 south, range 24 east, one-quarter mile east of the northwest corner of said section; thence east along the section lines approximately 12 3/4 miles to the northeast corner of section 24, township 14 south, range 26 east; thence south along the section lines approximately two miles to the intersection with the north boundary of the F. M. Arredondo grant; thence southwesterly, southeasterly, and northeasterly around the boundary of said grant to the intersection of the grant boundary line with the eastern boundary of section 25, township 15 south, range 26 east; thence southerly along the section lines approximately 3 1/2 miles to the northeast corner of section 13, township 16 south, range 26 east; thence west along the section lines approximately 9 1/2 miles to the quarter section corner on the south boundary of section 9, township 16 south, range 25 east; thence north along the half-section line approximately 3 1/2 miles to the center of section 28, township 15 south, range 25 east; thence northwest to the north line of section 20, township 15 south, range 25 east, one-quarter mile west of the northeast corner thereof; thence north along the quarter-quarter lines approximately four miles to the south line of section 30, township 14 south, range 25 east, one-quarter mile west of the southeast corner of said section; thence west approximately 1 1/2 miles to a point one-quarter mile east of the southwest corner section 25, township 14 south, range 24 east; thence north approximately two miles to the place of beginning—all Tallahassee base and meridian.

Description.

Warning is hereby given to all persons not to hunt, catch, trap, willfully disturb, or kill any kind of game animal or game bird on any lands of the United States within the area described herein.

Warning against unauthorized acts.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 24th day of July, in the year of our Lord nineteen hundred and thirty, and of the Independence of the United States of America the one hundred and fifty-fifth.

HERBERT HOOVER

By the President:
WILBUR J. CARR
Acting Secretary of State

Executive Order 5814. March 1, 1932

Executive Order

ADDITION OF LANDS TO THE OCALA NATIONAL FOREST AND THE OCALA NATIONAL GAME REFUGE

FLORIDA

Under authority of the act of Congress approved June 4, 1897 (30 Stat. 11, 36; U. S. Code, title 16, sec. 473), the act of March 1, 1911 (36 Stat. 962-963; U. S. Code, title 16, sec. 521), and the act of June 28, 1930 (46 Stat. 827-828), and on the recommendation of the Secretary of Agriculture, it is hereby ordered that the following-described lands be, and the same are hereby, added to and made a part of the Ocala National Forest as defined by proclamation of October 17, 1927 (45 Stat. 2927), and a part of the Ocala National Game Refuge as defined by proclamation of July 24, 1930 (46 Stat. 3031):

Beginning at the closing corner between sec. 25, T. 15 S., R. 26 E., and sec. 30, T. 15 S., R. 27 E., Tallahassee meridian, on the southeast line of the F. M. Arredondo Grant; thence N. 0° 34' W. with the line between Marion and Lake Counties 226.81 chs. to a point on the north bank of Juniper Creek; thence with the meanders of the north bank of Juniper Creek N. 48° 04' W. 4.23 chs., N. 63° 54' W. 6.95 chs.,

1104

Herbert Hoover, 1929-1933

EO 5815

N. 88° 54' W. 8.47 chs., S. 66° 00' W. 2.40 chs. to a point one-quarter mile west of the Marion-Lake County line; thence N. 0° 34' W. with a line one-quarter mile west of and parallel to the Marion-Lake County line 190.85 chs. to a point in the northwest line of the F. M. Arredondo Grant; thence with the northwest, southwest, and southeast boundaries of the F. M. Arredondo Grant to the place of beginning, containing 10,801.12 acres, be the same more or less.

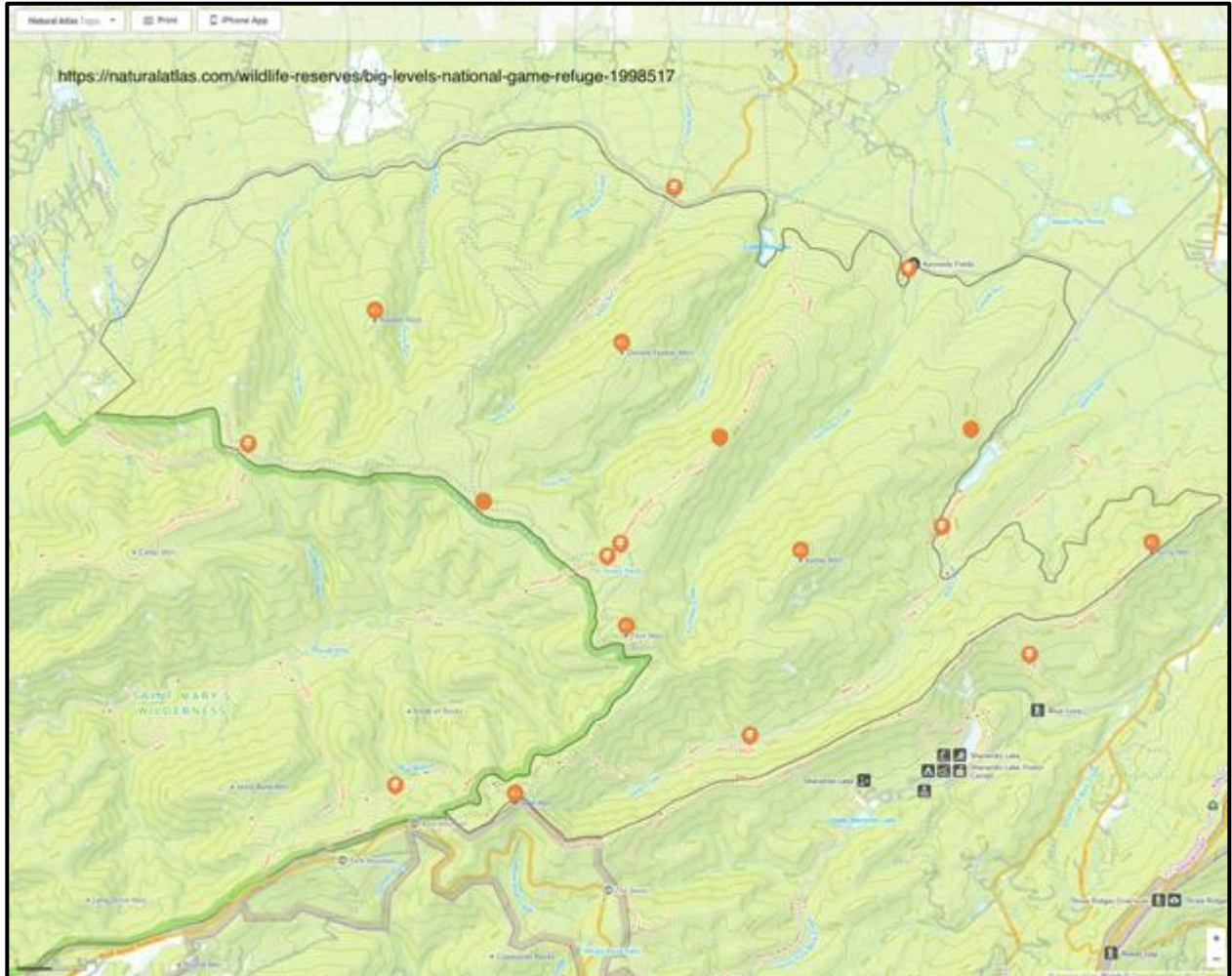
HERBERT HOOVER

THE WHITE HOUSE,

March 1, 1932.

[No. 5814]

Appendix W
Big Levels Game Refuge: Map and Proclamation



Map W-1. *Big Levels Game Refuge on the George Washington National Forest, VA.* Source: NaturalAtlas.com.

Proclamation

The proclamation of July 6, 1935 (49 Stat. 3448) is reproduced at the end of this appendix.

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. The area is not depicted on the Forest Service’s official George Washington National Forest Visitor Map or any other publicly available Forest Service map, because the Forest Service doesn’t publish any of its own maps for the national forest. The agency defers to maps published by the National Geographic Society, which doesn’t denote the area either. There is no mention of the Big Levels National Game Refuge in the plan for the George Washington National Forest (2014).

For More Information

- Swartz, Roy E., and David M. Kocka. 1999. [Wildlife Management Activities in Big Levels, Augusta County, Virginia: An Overview](#). *Banisteria* Number 13. Virginia Natural History Society.

- USDA Office of Information: Press Service. July 25, 1935. [U.S. Establishes Game refuge in George Washington Forest](#) (pdf).
- Virginia Wilderness Committee. [Kelley Mountain-Big Levels Proposed National Scenic Area](#) (web page).



Figure W-1. The Virginia Wilderness Committee is proposing the greater Big Levels area as a national scenic area. Source: [Virginia Wilderness Committee](#).

Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams, and Acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than \$500 or imprisoned not more than six months, or both”;

WHEREAS certain lands in the State of Virginia now within the boundaries of the George Washington National Forest were acquired under said act of March 1, 1911; and

WHEREAS the Secretary of Agriculture has recommended that the hereinafter-described area within the George Washington National Forest be established as a game sanctuary and refuge:

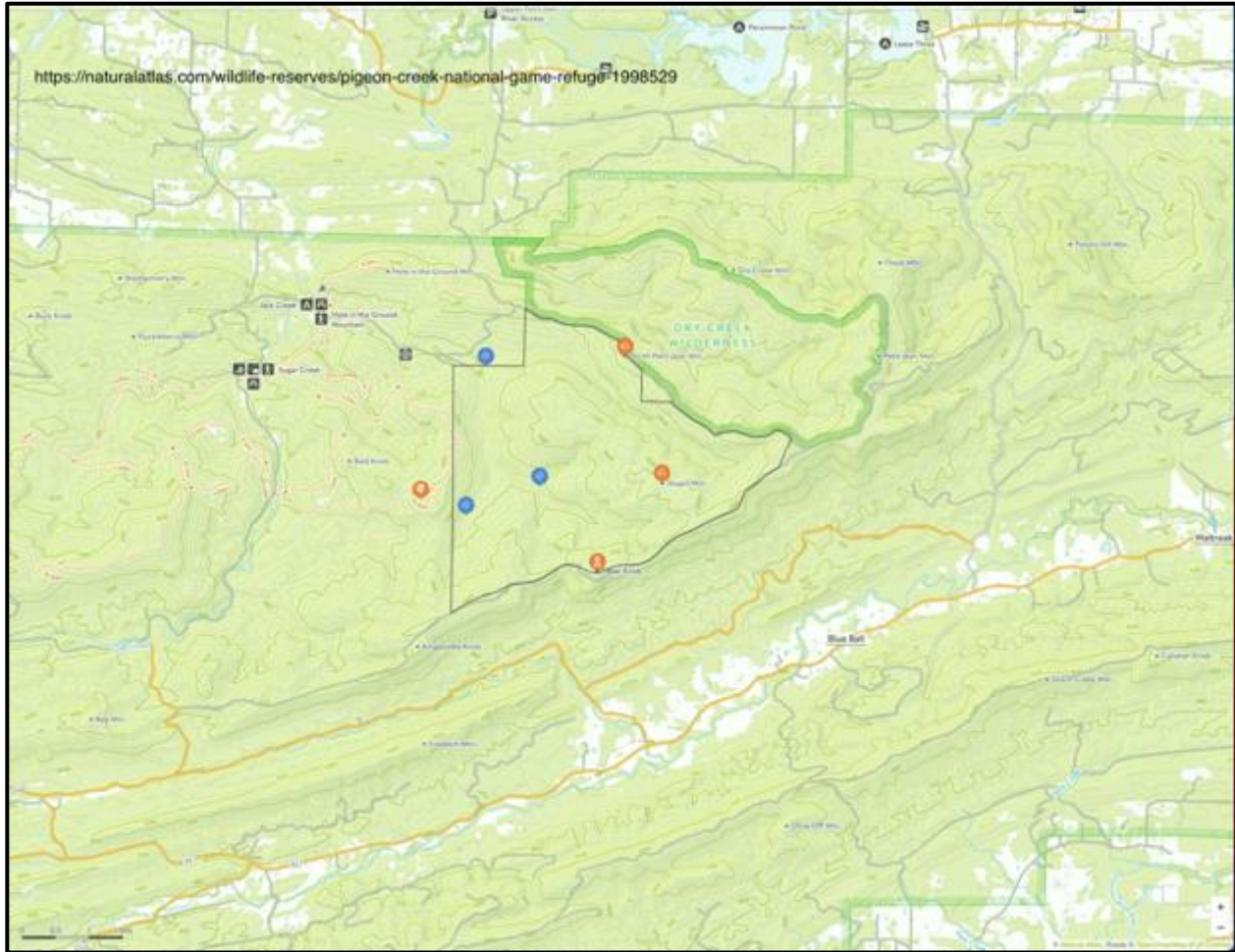
NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of August 11, 1916, do proclaim that the following-described area within the George Washington National Forest, Virginia, be, and it is hereby, set aside and established as a game sanctuary and refuge:

Setting aside game sanctuary.

Beginning at a point approximately 0.3 of a mile north of Pkin, Virginia, where the road from Pkin to Cold Spring Station intersects the right-of-way of the Norfolk & Western railroad; thence in a northerly direction along the right-of-way of the Norfolk & Western railroad for a distance of approximately 0.3 of a mile to South River, sometimes called St. Mary River; thence up South River in an easterly direction for a distance of approximately 0.2 of a mile to a point where the river intersects the road leading from Pkin to Cold Spring Station; thence in a northerly direction along the Pkin-Cold Spring Station road for a distance of approximately 5.6 miles to a point where said road intersects Virginia State Road No. 660; thence in an easterly direction along the Cold Spring Station-Stuarts Draft road for a distance of approximately 7.4 miles to a point about 1 mile south of Stuarts Draft where this road intersects the Howardsville turnpike, designated as Virginia State Road No. 610; thence southeasterly along said road no. 610 for a distance of about 0.4 of a mile to a point where this road is intersected by the road leading to Mountain Lake; thence in a southeasterly direction on the road leading to Mountain Lake for a distance of approximately 0.7 of a mile to a point at the southwest corner of said lake; thence in an easterly direction along an old road on the south side of said lake for a distance of approximately 2 miles to a point where this road intersects the Howardsville turnpike; thence in an easterly direction along the Howardsville turnpike for a distance of approximately 1 mile to a point where this road intersects Virginia State Road No. 633; thence in a northerly direction along Virginia State Road No. 633 for a distance of approximately 1 mile to Beula Church, where said road intersects Virginia State Road No. 634; thence easterly along said road no. 634 to a point where it intersects the Howardsville turnpike, designated Virginia State Road No. 610; thence in an easterly direction along said road no. 610 for a distance of approximately 1 mile to a point where this road intersects Virginia State Road No. 664; thence in a southerly direction along State road no. 664 for a distance of approximately 8.6

Description.

Appendix X
Pigeon Creek National Game Refuge: Map and Proclamation



Map X-1. Pigeon Creek National Game Refuge on the Ouachita National Forest, AR. Source: NaturalAtlas.com.

Proclamation

The proclamation can be found in Appendix I.

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. The NGR is not depicted on the Forest Service’s official Ouachita National Forest Visitor Map (2016). There is no mention of the Pigeon Creek National Game Refuge in the plan for the Ouachita National Forest (2005).

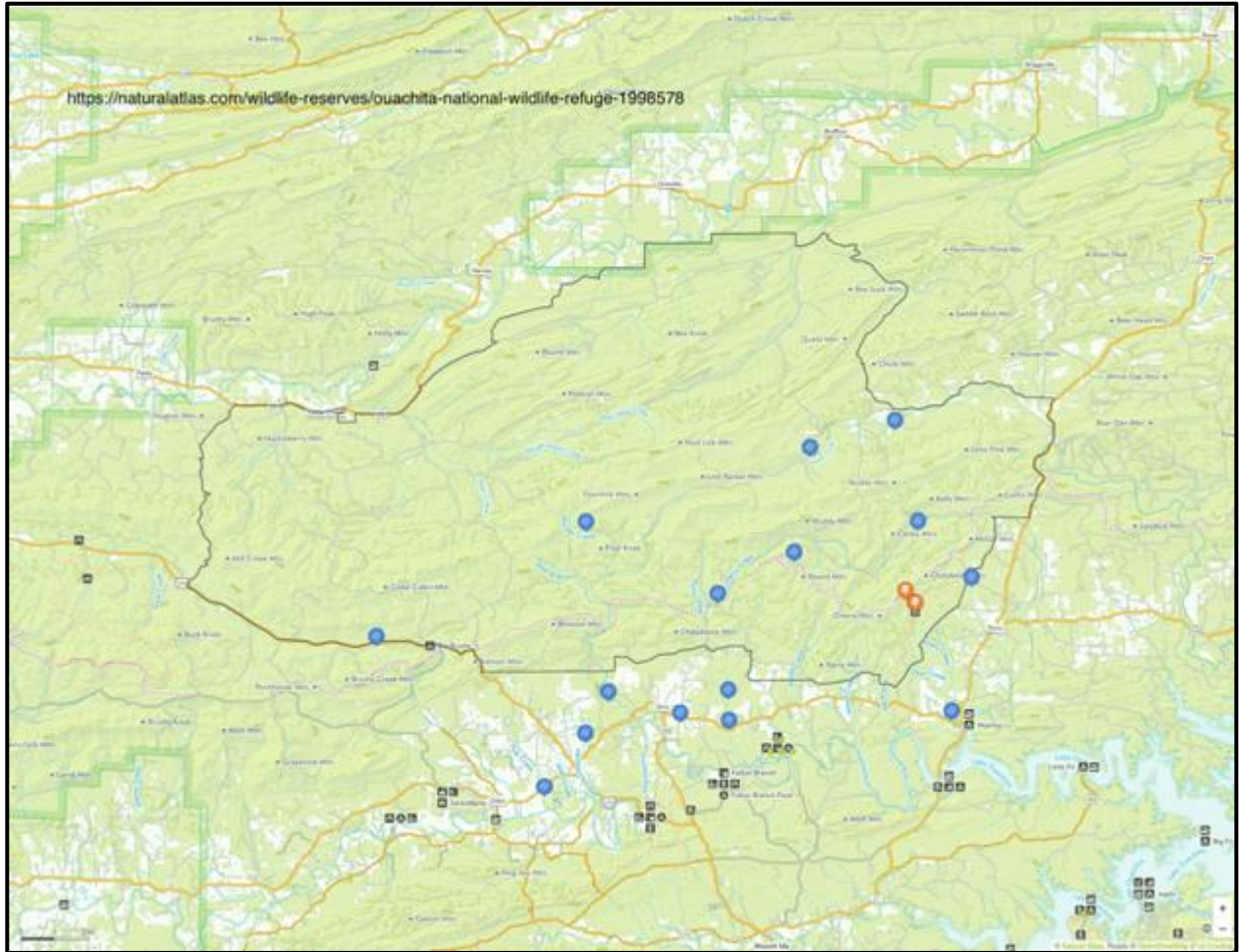
For More Information

- USDA Forest Service. 2005. [Revised Land and Resource Management Plan: Ouachita National Forest](#) (pdf).
- USDA Forest Service. 2005. [Ouachita National Forest Revised Land and Resource Management Plan Map](#) (pdf).



Figure X-1. *The Pigeon Creek National Game Refuge doesn't show up on the map but the Hogan Mountain Walk-In Turkey Hunting Area does.* Source: Wikipedia.

Appendix Y
Ouachita National Wildlife Preserve: Map and Proclamation



Map Y-1. *Ouachita National Wildlife Preserve on the Ouachita National Forest, AR.* Source: NaturalAtlas.com.

Proclamation

The proclamation can be found in Appendix I.

Current Status

The area is noted on the Forest Service’s [Automated Lands Program Land Status and Encumbrance](#) viewer. The NWP is not depicted on the Forest Service’s official Ouachita National Forest Visitor Map (2016). There is no mention of the Ouachita National Wildlife Preserve in the plan for the Ouachita National Forest (2005).

For More Information

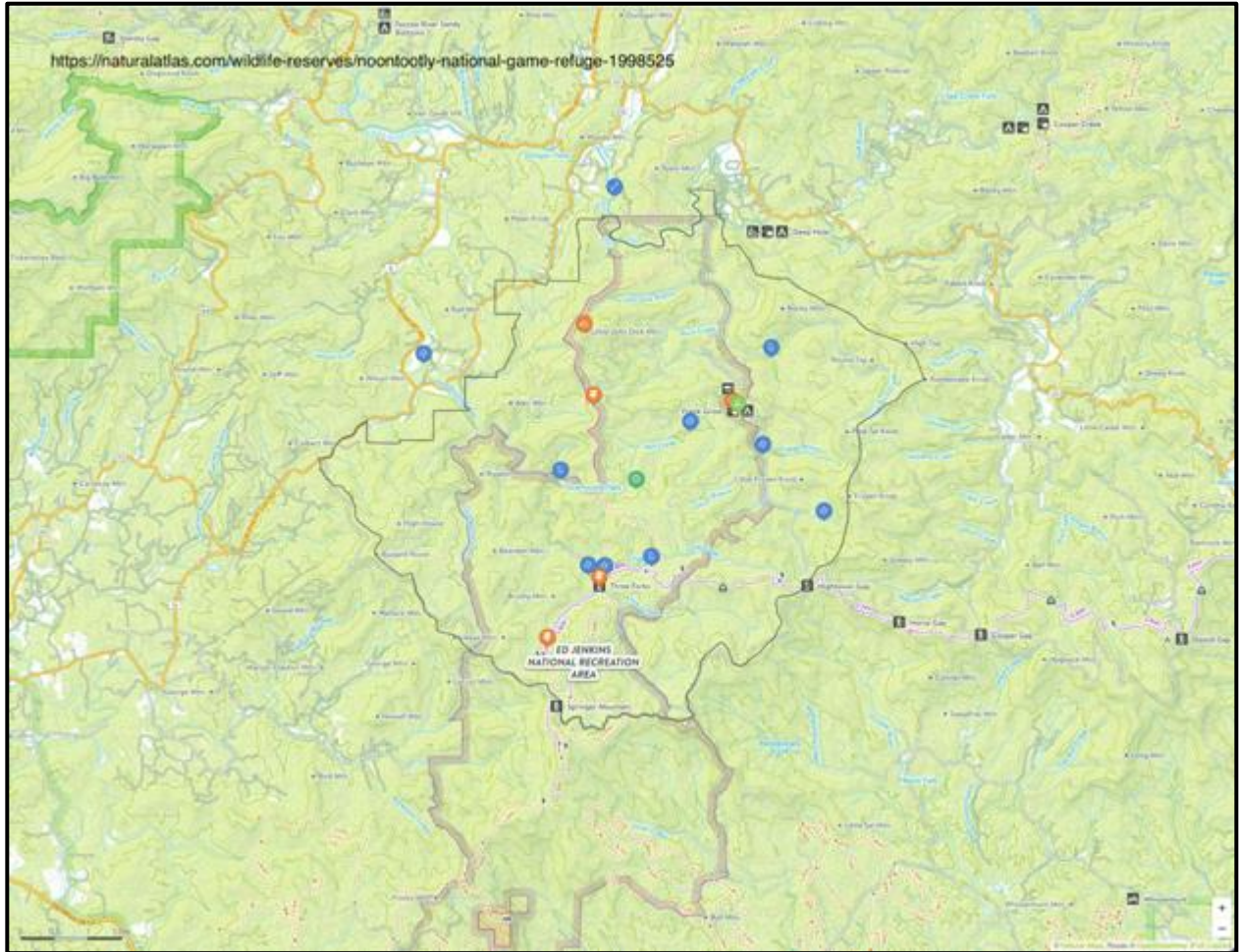
- USDA Forest Service. 2005. [Revised Land and Resource Management Plan: Ouachita National Forest](#) (pdf).
- USDA Forest Service. 2005. [Ouachita National Forest Revised Land and Resource Management Plan Map](#) (pdf).



Figure Y-1. *Along the Ouachita National Recreation Trail in the Ouachita National Game Refuge.* Source: Friends of the Ouachita Trail.

Appendix Z

Noontootly National Game Refuge: Map and Proclamation



Map Z-1. Noontootly National Game Refuge on the Chattahoochee National Forest, GA. Source: NaturalAtlas.com.

Proclamation

The proclamation of July 6, 1938 (52 Stat. 1549) establishing the Noontootly National Game Refuge, Georgia, is reproduced at the end of this chapter.

Current Status

The area is noted on the Forest Service's [Automated Lands Program Land Status and Encumbrance](#) viewer. The NGR is not depicted on the Forest Service's official Chattahoochee National Forest Visitor Map (2019). There is no mention of the Noontootly National Game Refuge in the plan for the Chattahoochee National Forest. Some of the NGR is within the Ed Jenkins National Recreation Area. Most, but not all, of the Noontootly National Game Refuge is within the Blue Ridge Wildlife Management Area, administered by the State of Virginia Department of Game and Inland Fisheries.

For More Information

- Dobie, Duncan. August 5, 2017. [The Story of Blue Ridge, the First WMA](#) (web page). Georgia Outdoor News.



Figure Z-1. *Big John Dick Mountain in the Noontootly National Game Refuge.* Source: NaturalAtlas.com.

WHEREAS it appears that such lands are required for the proper care and management of the objects being protected by the said monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that the following-described lands in Colorado are hereby added to and made a part of the Black Canyon of the Gunnison National Monument:

NEW MEXICO PRINCIPAL MERIDIAN—COLORADO

T. 50 N., R. 7 W., sec. 19, S $\frac{1}{2}$ NW $\frac{1}{4}$;
T. 50 N., R. 8 W., sec. 25, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
containing 100 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any part or feature of this monument, and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16th day of May in the year of our Lord nineteen hundred and thirty-eight, and of the [SEAL] Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

NOONTOOTLY NATIONAL GAME REFUGE—GEORGIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that it would be in the public interest to change the name of the Cherokee National Game Refuge No. 2, in the State of Georgia, as hereinafter indicated, and re-define the boundaries of the said refuge:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power in me vested by the act of Congress approved August 11, 1916, 39 Stat. 446, 476 (U. S. C., title 16, sec. 683), do proclaim that the name of the Cherokee National Game Refuge No. 2, in the State of Georgia, is hereby changed to the Noontootly National Game Refuge; and that the boundaries of the said refuge are hereby re-defined, for the purpose of clarification and without change in the status of any of the lands involved, as follows:

Lying and being on the watersheds of Noontootly and Rock Creeks, tributaries of the Toccoa River, in Fannin, Gilmer Union, and Lumpkin Counties, Georgia.

Lands added.

34 Stat. 225.
16 U. S. C. § 431.

Description.

Warning against unauthorized acts.

Supervision.

39 Stat. 535.
16 U. S. C. §§ 1, 2.

June 6, 1938
[No. 2287]

Noontootly National Game Refuge, Ga. Preamble.

Cherokee National Game Refuge No. 2, name changed.

39 Stat. 476.
16 U. S. C. § 683.

Boundaries re-defined.

Description.

Beginning at a point, which is a triangulation station (latitude $34^{\circ}39'40.54''$, longitude $84^{\circ}08'26.32''$), at the Hawk Mountain Fire Tower on top of the Blue Ridge Divide, also lying on the Union-Lumpkin County line;

Thence southwesterly along and with the meanders of the Blue Ridge Divide, approximately 260 chains to Winding Stair Gap in Land Lot 204. Thence westerly along the said Divide, approximately 190 chains to the junction with the Fannin-Gilmer County Line, in Land Lot 131.

Thence northwesterly along and with the meanders of the Blue Ridge Divide, approximately 510 chains to the center of the road in Double Head Gap, in Land Lot 55 of District 6, Section 2.

Thence, leaving the Blue Ridge Divide, northeasterly along and with the meanders of the Ellijay-Blairsville Road, approximately 90 chains to the east line of Land Lot 5, District 6, Section 1.

Thence, in District 6, Section 1

South with the east line of lot 5, 23.00 chains,
 East with the north line of lot 31, 39.00 chains,
 North with the West line of lot 42, 5.00 chains,
 East with the north line of lot 42, 40.00 chains,
 North with the west line of lot 68, 38.50 chains,
 East with the north line of lots 68 and 77, 45.50 chains,
 Northwesterly with the meanders of an old road or trail,
 9.00 chains,

North with the west line of lot 76, 34.58 chains,
 East with the north line of lot 76, 35.67 chains,
 South with the east line of lot 76, 1.00 chains,
 East with the north line of lot 105, 2.00 chains,
 North 13° west, into lot 106, 6.75 chains,
 North $63^{\circ} 54'$ east, in lot 106, 10.10 chains,
 North $26^{\circ} 49'$ east, in lot 106, 31.59 chains,
 North $0^{\circ} 19'$ west, into lot 107, 0.36 chains,
 North $15^{\circ} 37'$ west, in lot 107, 13.66 chains,
 North $10^{\circ} 48'$ west, in lot 107, 5.99 chains,
 North $88^{\circ} 40'$ east, in lot 107, 4.77 chains,
 Northerly with the meanders of a creek, 6.07 chains,
 North $33^{\circ} 32'$ east, in lot 107, 13.13 chains,

West with the south line of lot 108, 30.24 chains,
 North $0^{\circ} 29'$ east, with the west line of lot 108, 40.08 chains,
 East with the north line of lots 108 and 109, 47.79 chains,
 South $49^{\circ} 02'$ west, into lot 109, 1.31 chains,
 Southeasterly following the meanders of a fence, 14.13 chains,

North $33^{\circ} 51'$ east, in lot 109, 1.98 chains,
 North $5^{\circ} 26'$ east, in lot 109, 3.38 chains,
 South $89^{\circ} 36'$ east, with the north line of lots 109 and 144,
 34.00 chains,

North, into District 7, Section 1, with the west line of lot 317,
 38.00 chains,

North $88^{\circ} 58'$ east, with the north line of lot 317, 1.27 chains,
 North $5^{\circ} 14'$ west, into lot 295, 28.70 chains,
 North $83^{\circ} 28'$ east, in lot 295, 1.12 chains,
 North $0^{\circ} 16'$ west, with the west line of lot 296, 5.57 chains,
 North $88^{\circ} 47'$ east, into lot 296, 28.82 chains,
 North $7^{\circ} 55'$ west, in lot 296, 3.72 chains,
 South $89^{\circ} 55'$ east, with the north line of lots 296 and 297,
 18.50 chains to the center of the Toccoa River.

Thence, southeasterly and then northeasterly, up and with the meanders of the Toccoa River, approximately 120 chains to the north line of lot 278.

Thence,

North, 89° 13' east, with the north line of lot 278, 27.00 chains,

South 0° 13' west, with the east line of lot 278, 30.04 chains,

North 89° 13' east, with the north line of lot 300, 7.27 chains,

Southerly, through lot 300, with the eastern boundary of tracts number 39 and number 1, 41.24 chains to the north line of lot 313,

North 89° 50' east, with the north line of lot 313, approximately 15.50 chains to the top of the Divide between the Toccoa River and Rock Creek.

Thence, southeasterly, following the meanders of the Divide, approximately 100 chains to Rocky Mountain triangulation station (latitude 34° 43' 22.17" and longitude 84° 08' 10.96"), in lot 252, District 6, Section 1.

Thence, southeasterly with the meanders of the Divide approximately 155 chains to the junction with the Fannin-Union County line, in lot 323.

Thence, southerly with the meanders of the Divide, approximately 380 chains to the junction with the Lumpkin-Union County line, in lot 280.

Thence, southwesterly with the meanders of the Blue Ridge Divide, approximately 70 chains to the Hawk Mountain triangulation station, the point of beginning.

Warning is hereby given to all persons not to hunt, catch, trap, wilfully disturb, or kill any kind of game animal, game or non-game bird, or fish, or to take the eggs of any such bird, on any lands herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

Warning against hunting, etc.

Exception.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixth day of June in the year of our Lord nineteen hundred and thirty-eight, and of the [SEAL] Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

EXCLUDING CERTAIN LANDS FROM THE CORONADO NATIONAL FOREST
AND ADDING THEM TO THE CHIRICAHUA NATIONAL MONUMENT—
ARIZONA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

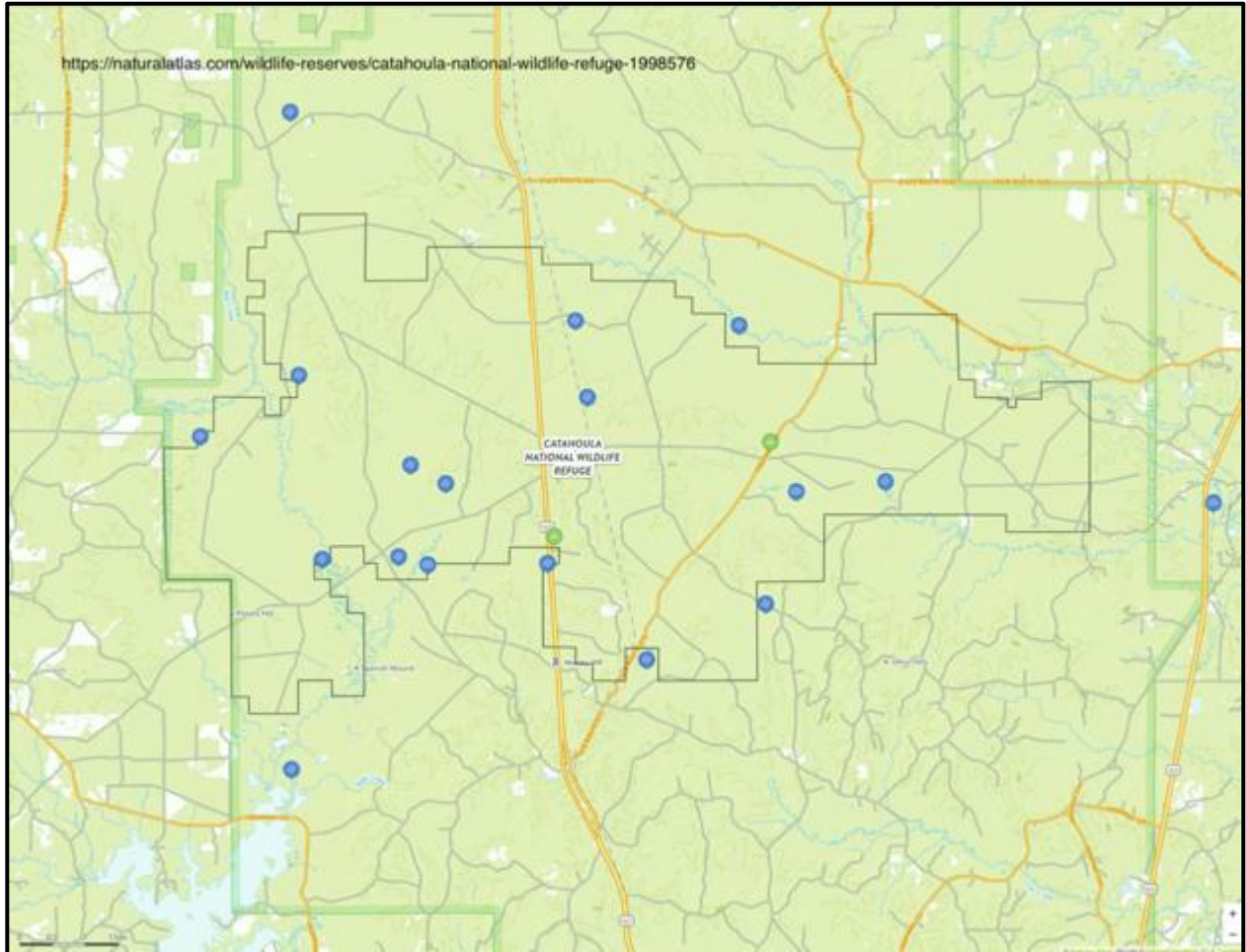
June 10, 1938
[No. 2286]

A PROCLAMATION

WHEREAS it appears that the hereinafter-described lands comprising a part of the Coronado National Forest, in the State of Arizona, are adjacent to the Chiricahua National Monument, estab-

Chiricahua National Monument,
Ariz.
Preamble.

Appendix AA
National Catahoula Wildlife Management Preserve: Map and Proclamation



Map AA-1. *National Catahoula Wildlife Management Preserve on the Kisatchie National Forest, LA.* Source: NaturalAtlas.com.

Proclamation

The proclamation of September 29, 1941 (55 Stat 1689) is reproduced at the end of this appendix.

Current Status

The area is noted on the Forest Service's [Automated Lands Program Land Status and Encumbrance](#) viewer. The area is shown on the Forest Service's official Kisatchie National Forest: Calcasieu and Ksatchie Districts Forest Visitor Map (2011) as the Catahoula National Wildlife Management Preserve. The area is noted in the forest plan as Management Area 11.

For More Information

- USDA Forest Service. 1999. [Revised Land and Resource Management Plan: Kisatchie National Forest](#) (pdf).



Figure AA-1. *The National Catahoula Wildlife Management Area near Highway 472 Camp.* Source: The Dyr.

NATIONAL CATAHOULA WILDLIFE MANAGEMENT PRESERVE
LOUISIANA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

^{September 27, 1941}
{No. 251c}

A PROCLAMATION

WHEREAS it appears that the designation and setting aside of the areas in the State of Louisiana, hereinafter indicated, for the protection of game animals, birds and fish will promote the public good:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by the act of Congress approved August 11, 1916 (39 Stat. 446, 476; 16 U. S. C. 683), do proclaim that there are hereby designated and set aside for the protection of game animals, birds and fish, all lands of the United States within the Kisatchie National Forest in the State of Louisiana purchased under the provisions of the act of March 1, 1911 (36 Stat. 961; 16 U. S. C. 480, 500, 513-519, 521), and the acts supplemental thereto and amendatory thereof, as shown on the diagram forming a part hereof, to be known as the National Catahoula Wildlife Management Preserve.

Designation and setting aside of certain lands as National Catahoula Wildlife Management Preserve.

All persons are hereby informed that it is unlawful to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or non-game bird, or fish, or to take the eggs of any such bird, on any lands herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

Unlawful acts.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 27th day of September, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America, the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT
OREGON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

^{October 1, 1941}
{No. 251c}

A PROCLAMATION

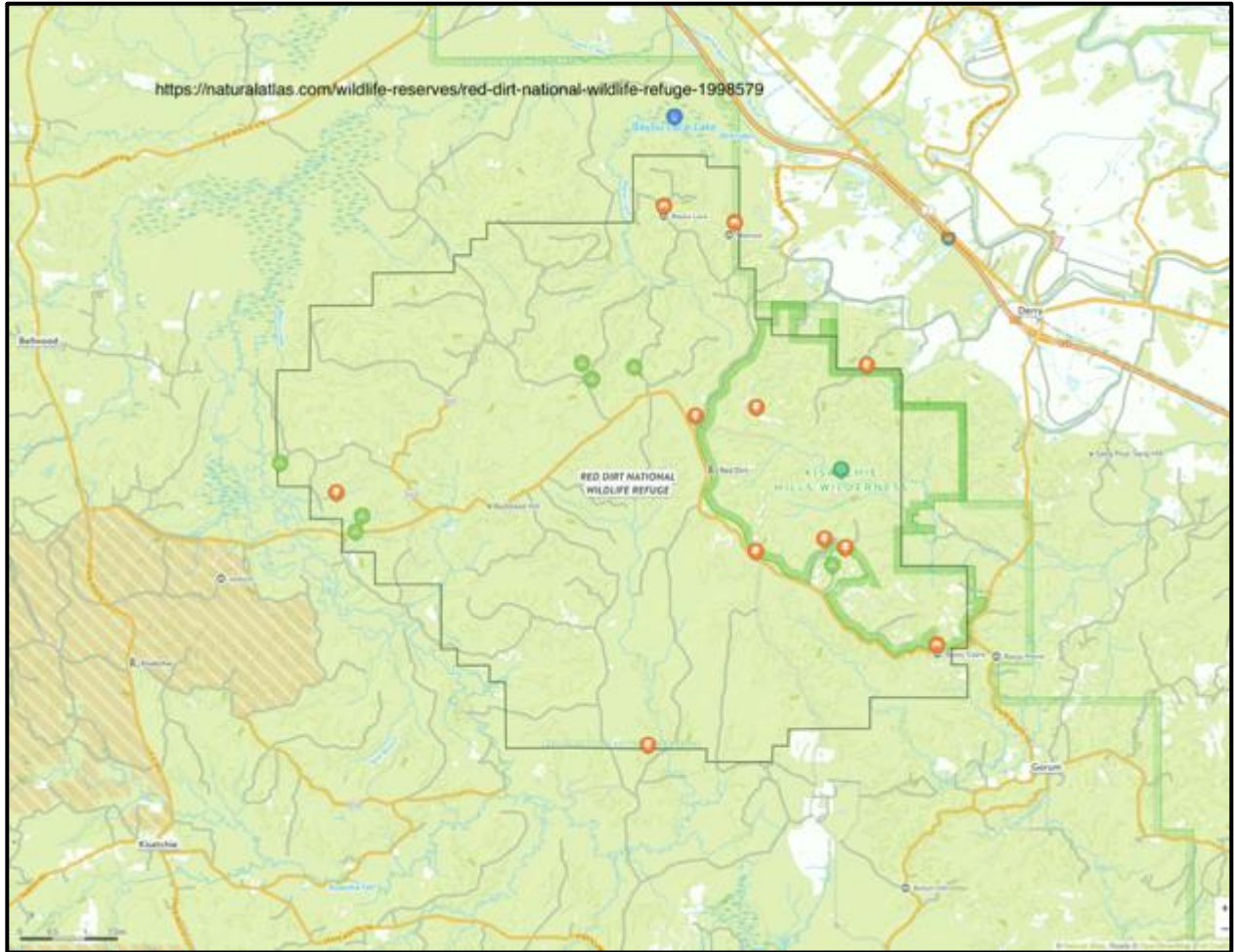
WHEREAS the Secretary of the Interior has submitted to me for approval the following regulation adopted by him on September 17, 1941, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431):

16 U. S. C. §§ 703-711.
5 U. S. C. § 133c note.

REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND
WATERS IN HARNEY COUNTY, OREGON

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II

Appendix BB
National Red Dirt Wildlife Management Preserve: Map and Proclamation



Map BB-1. National Red Dirt Wildlife Management Preserve on the Kisatchie National Forest, LA. Source: NaturalAtlas.com.

Proclamation

The proclamation of September 27, 1941 (55 Stat 1688) is reproduced at the end of this appendix.

Current Status

The area is noted on the Forest Service's [Automated Lands Program Land Status and Encumbrance](#) viewer. The area is shown on the Forest Service's official Kisatchie National Forest: Catahoula and Winn Districts Forest Visitor Map (2012) as the Red Dirt National Wildlife Management Preserve. Part of the area is now within the Kisatchie Hills Wilderness. The area is noted in the forest plan as Management Area 11.

For More Information

- USDA Forest Service. 1999. [Revised Land and Resource Management Plan: Kisatchie National Forest](#) (pdf).



Figure BB-1. *Some of the National Red Dirt Wildlife Management Preserve has been given over to the Kisatchie Hills Wilderness.* Source: Wilderness Connect.

Period of continu-
ance.

than incidental announcements of books, when mailed under such regulations as the Postmaster General shall prescribe, shall, for the period commencing October 1, 1941, and ending June 30, 1942, continue to be one and one-half cents a pound or fraction thereof, irrespective of the zone of destination.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of September, in the year of our Lord nineteen hundred and forty-one, and [SEAL] of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

NATIONAL RED DIRT WILDLIFE MANAGEMENT PRESERVE
LOUISIANA

September 27, 1941
[No. 2614]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Designation and set-
ting aside of certain
lands as National Red
Dirt Wildlife Manage-
ment Preserve.

WHEREAS it appears that the designation and setting aside of the areas in the State of Louisiana, hereinafter indicated, for the protection of game animals, birds and fish will promote the public good:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by the act of Congress approved August 11, 1916 (39 Stat. 446, 476; 16 U. S. C. 683), do proclaim that there are hereby designated and set aside for the protection of game animals, birds and fish, all lands of the United States within the Kisatchie National Forest in the State of Louisiana purchased under the provisions of the act of March 1, 1911 (36 Stat. 961; 16 U. S. C. 480, 500, 513-519, 521), and the acts supplemental thereto and amendatory thereof, as shown on the diagram forming a part hereof, to be known as the National Red Dirt Wildlife Management Preserve.

Unlawful acts.

All persons are hereby informed that it is unlawful to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or non-game bird, or fish, or to take the eggs of any such bird, on any lands herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

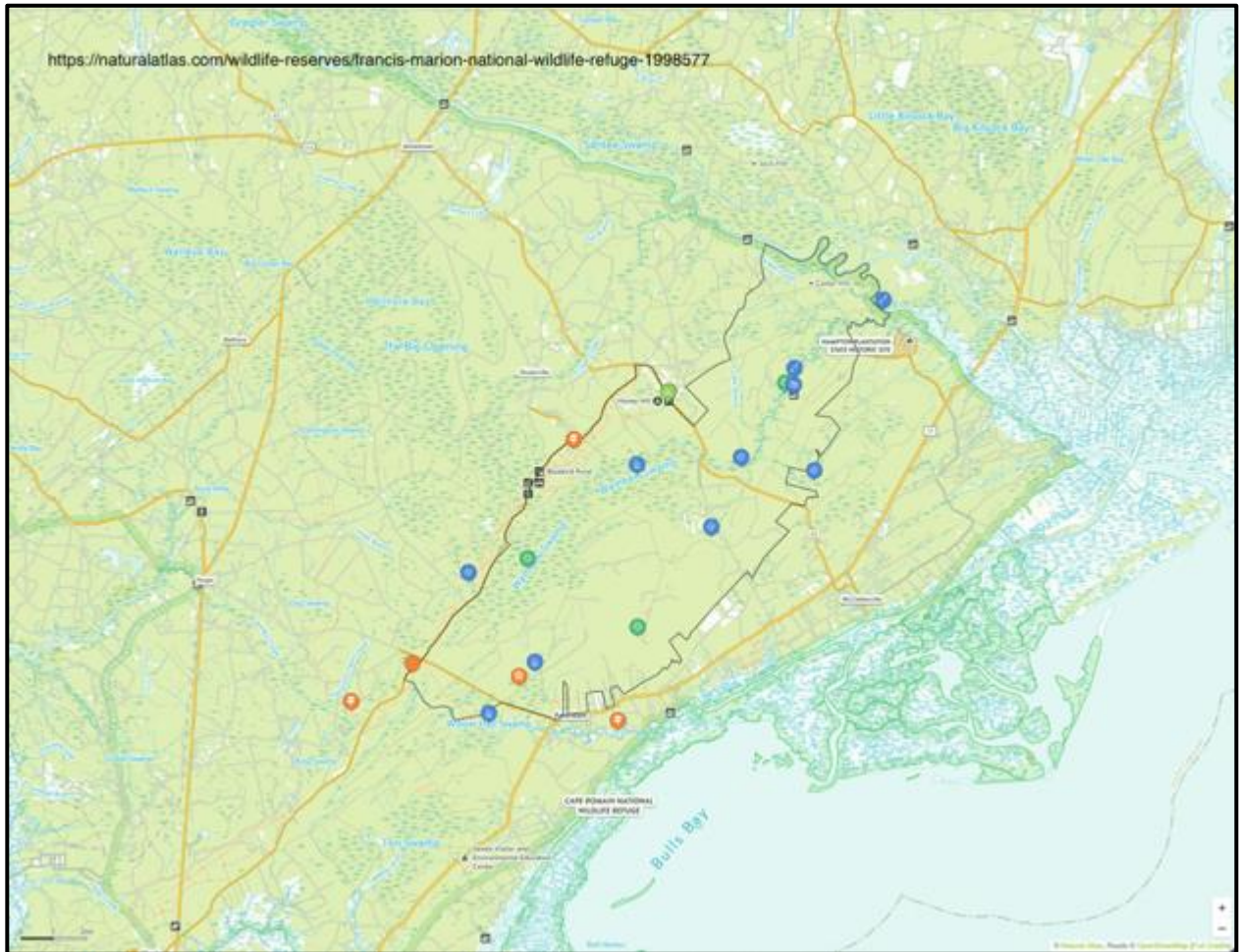
IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 27th day of September, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America, the one [SEAL] hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

Appendix CC
Francis Marion National Forest Wildlife Preserve: Map and Proclamation



Map CC-1. *Francis Marion Wildlife Management Preserve on the Francis Marion National Forest, SC.* Source: NaturalAtlas.com.

Proclamation

Proclamation No. 2785, 13 Fed. Reg. 2563 (May 12, 1948) can be found at the end of this appendix.

Current Status

The area is noted on the Forest Service's [Automated Lands Program Land Status and Encumbrance](#) viewer. The area is not depicted on the Forest Service's official Francis Marion National Forest Visitor Map (2009). The forest plan notes that "the purpose of this designation was to protect depleted populations of game species from overhunting." Portions of the area have been included in the Wambaw Swamp Wilderness and Little Wambaw Swamp Wilderness.

For More Information

- USDA Forest Service. 2017. [Final Revised Land Management Plan: Francis Marion National Forest](#) (pdf).



Figure CC-1. *The Little Wambaw Swamp Wilderness in the Francis Marion National Forest Wildlife Preserve.* Source: Wikipedia.

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 1934 NUMBER 93

Washington, Wednesday, May 12, 1948

**TITLE 3—THE PRESIDENT
PROCLAMATION 2785**

FRANCIS MARION NATIONAL FOREST
WILDLIFE PRESERVE

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS section 1 of Public Law 257, 80th Congress, approved July 30, 1947, provides that "for the purpose of providing breeding places for game animals and birds and for the protection and administration of game animals and birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified federally owned areas within the Francis Marion National Forest as game sanctuaries and refuges"; and

WHEREAS the Secretary of Agriculture has recommended that the lands owned by the United States within the area hereinafter described be established as a game sanctuary and refuge; and

WHEREAS it appears that the establishment of such sanctuary and refuge would be in the public interest:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 30, 1947, do proclaim that for the purpose of providing breeding places for game animals and birds and for the protection and administration of game animals and birds, and fish, all of the lands owned by the United States in the following-described area within the Francis Marion National Forest, in the State of South Carolina, are hereby established as a game sanctuary and refuge, to be known as the Francis Marion National Forest Wildlife Preserve:

Beginning at the point of confluence of Wambaw Creek and the South Santee River, in the Berkeley and Charleston County Line, latitude 33°12'47" N., longitude 79°25'49" W., thence southwesterly, up and with the meanders of Wambaw Creek, bordering U. S. Tract 113a, and on the Charleston-Berkeley County line, 156.0 chains to Forest Service monument 708; thence four lines with U. S. Tract 70: (1) southeasterly with Echaw

Road, 75.0 chains to Forest Service monument 717, (2) southwesterly with Old Stage Coach Road, 60.0 chains to Forest Service monument 706, (3) S. 45°45' W., 114.30 chains to a point, (4) S. 73°45' W., 3.50 chains to Forest Service monument 684; thence with U. S. Tracts 13a and 48, southeasterly 73.0 chains to Old Georgetown Road; thence with Old Georgetown Road, southwesterly 81.0 chains to line corners 2-3 of U. S. Tract 48; thence N. 30°00' W., 23.3 chains to Forest Service monument 683; thence southerly, with the east lines of U. S. Tract 113a, 61.3 chains to corner 34 thereof; thence southeasterly, with the NE lines of U. S. Tract 13a, 57.3 chains to Forest Service monument 682-1; thence with east and southeast lines of U. S. Tract 113a, passing in line corners 2 to 0 thereof, 163.5 chains to Forest Service monument 671; thence with northeasts and southeast lines of U. S. Tract 49, passing in line corners 23 to 27 thereof, 119.2 chains to Forest Service monument 677; thence southwesterly, within U. S. Tract 49 and with Old Georgetown Road, 85.0 chains to line corners 39 to 40 thereof; thence N. 34°50' W., 21.0 chains to corner 49 of U. S. Tract 49 and Forest Service monument 567; thence southwesterly with U. S. Tract 49, passing in line corners 41 to 44, inclusive, 274.1 chains to corner 45 thereof; thence with the NE and SE lines of U. S. Tract 243, passing in line corners 4 to 13, inclusive, 111.5 chains to Forest Service monument 544-1; thence with the SE and SW lines of U. S. Tract 189, passing corners 2 and 3 thereof, 24.1 chains to Forest Service monument 544; thence with lands of Steppay Cash Estate, S. 35°45' W., 3.1 chains to corner 1 of U. F. Tract 74; thence with the SE lines of U. S. Tracts 74 and 189a, 21.7 chains to corner 2 of U. S. Tract 225; thence within said U. S. Tract 225, S. 66°20' W., 32.5 chains to corner 18 of said Tract 225, common to corner 63 of U. S. Tract 1; thence southwesterly, with five lines of said Tract 1, passing in line corners 64 and 65 thereof, 112.0 chains to corner 66; thence within said Tract 1, S. 76°30' W., 19.0 chains to corner 69; thence two lines with U. S. Tract 1: (1) S. 85°09' W., 24.5 chains, (2) S. 77°50' W., 14.0 chains to corner 70 thereof; thence within U. S. Tract 1, N. 68°45' W., 60.0 chains to corner 73, thereof; thence two lines with U. S. Tract 1: (1) N. 45°25' W., 14.3 chains to corner 74, (2) S. 0°40' E., 80.0 chains to corner 75; thence continue within U. S. Tract 1, S. 85°30' W., 38.5 chains to Forest Service monument 603; thence westerly with Willow Hall Road, also known as Forest Service Road No. 40, 249.0 chains to Cooter Creek; thence northwesterly, up and with Cooter Creek, 88.0 chains to Forest Service monument 459; thence with U. S.

(Continued on next page)

CONTENTS

THE PRESIDENT

Proclamations	Page
Extension of time for renewing trade-mark registrations; The Philippines.....	2565
Francis Marion National Forest Wildlife Preserve.....	2563

EXECUTIVE AGENCIES

Agriculture Department	
See also Federal Crop Insurance Corporation.	
Proposed rule making:	
Milk handling:	
Greater Kansas City area.....	2570
Topeka, Kans., area.....	2571
Mississippi Valley Stock Yards; petition for continuance and modification of temporary rates.....	2570

Alien Property, Office of

Notices:	
Vesting orders, etc.:	
Exportkreditbank, A. G.....	2574
Fried Krupp Aktiengesellschaft.....	2575
Glaesser, Nicholas W.....	2577
Grunich, Gertrude.....	2573
Guthelm, August.....	2574
Harms, Willie.....	2575
Haub, Louis K.....	2577
Hieronymus, Adolph G., et al.....	2574
Kanesbige, Otzuchi, and Tel Kanesbige.....	2578
Kato, Risaku.....	2575
Kupfender, Lucie.....	2576
Kunz, Robert.....	2576
Mangelsdorf, Kurt, et al.....	2576
Saavedra, Carlos F.....	2578
Sahrman, Minnie.....	2577

Civil Aeronautics Administration

Rules and regulations:	
Federal aid to public agencies for development of public airports; miscellaneous amendments (Corr.).....	2563

Civil Service Commission

Rules and regulations:	
Appeals of preference eligibles; miscellaneous amendments.....	2563



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 600, as amended; 44 U. S. C., ch. 82), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 18, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

**1947 SUPPLEMENT
to the
CODE OF FEDERAL
REGULATIONS**

The following books are now available.

Book 1: Titles 1 through 7, including, in Title 3, Presidential documents in full text with appropriate reference tables and index.

Book 2: Titles 8 through 17.

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at \$3.50 per copy.

A limited sales stock of the 1946 Supplement (6 books) is still available at \$3.50 a book.

CONTENTS—Continued

Federal Crop Insurance Corporation	Page
Rules and regulations:	
Bean crop insurance; annual contracts, 1948 (Corr.)	2565
Federal Power Commission	
Notices:	
Hearings, etc.:	
California Electric Power Co. (2 documents)	2572, 2573
Hook-Aston Milling Co.	2573
Hope Natural Gas Co.	2572
Hylton, Hal T.	2573
Mid-East Tennessee Natural Gas Co.	2572
Northern Natural Gas Co.	2572
Pacific Power and Light Co.	2573
Penn-York Natural Gas Co.	2572
Southern California Gas Co.	2572

CONTENTS—Continued

Federal Trade Commission	Page
Rules and regulations:	
Cease and desist order; Maryland Glass & Mirror Co.	2566
Fish and Wildlife Service	
Rules and regulations:	
Salmon fisheries; Southeastern Alaska area:	
Eastern district	2570
Icy Strait District	2570
International Trade, Office of	
Rules and regulations:	
Bituminous coal export licenses; revocation of orders	2568
Interstate Commerce Commission	
Rules and regulations:	
Car service; demurrage:	
Railroad freight cars	2569
State Belt Railroad of California	2570
Patent Office	
Rules and regulations:	
Extension of time for renewing trade-mark registration; The Philippines	2569
Organization and functions; miscellaneous amendments	2568
Social Security Administration	
Rules and regulations:	
Federal old-age and survivors insurance; provisions with respect to additional deductions and waiver of adjustment or recovery of overpayments	2566
Wage and Hour Division	
Proposed rule making:	
Artificial flower industry in Puerto Rico; minimum wage recommendation	2571

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3—The President	Page
Chapter I—Proclamations:	
2785	2563
2786	2565
Title 5—Administrative Personnel	
Chapter I—Civil Service Commission:	
Part 22—Appeals of preference eligibles under the Veterans' Preference Act of 1944	2565
Title 7—Agriculture	
Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture:	
Part 421—Bean crop insurance	2565
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders):	
Part 913—Milk in Greater Kansas City marketing area (proposed)	2570
Part 980—Milk in Topeka, Kans., marketing area (proposed)	2571

CODIFICATION GUIDE—Con.

Title 14—Civil Aviation	Page
Chapter II—Administrator of Civil Aeronautics, Department of Commerce:	
Part 550—Federal aid to public agencies for development of public airports	2565
Title 16—Commercial Practices	
Chapter I—Federal Trade Commission:	
Part 9—Digest of cease and desist orders	2566
Title 20—Employees' Benefits	
Chapter III—Social Security Administration (Old-Age and Survivors Insurance):	
Part 403—Federal old-age and survivors insurance	2566
Title 29—Labor	
Chapter V—Wage and Hour Division, Department of Labor:	
Part 688—Minimum wage rate in the artificial flower industry in Puerto Rico (proposed)	2571
Title 32—National Defense	
Chapter VIII—Office of International Trade, Department of Commerce:	
Part 800—Orders and delegations of authority	2568
Title 37—Patents, Trade-marks and Copyrights	
Chapter I—Patent Office, Department of Commerce:	
Part 10—Organization and functions	2568
Part 100—Rules of practice in trade-mark cases	2569
Title 49—Transportation and Railroads	
Chapter I—Interstate Commerce Commission:	
Part 95—Car service (2 documents)	2569, 2570
Title 50—Wildlife	
Chapter I—Fish and Wildlife Service, Department of the Interior:	
Part 222—Southeastern Alaska area, Icy Strait district, salmon fisheries	2570
Part 224—Southeastern Alaska area, Eastern district, salmon fisheries	2570

Tract 1, N. 33'45" W., 37.7 chains to corner 52, common to corner 47 of U. S. Tract 11; thence with U. S. Tract 11, N. 30'15" W., 11.5 chains to corner 49, common to corner 7 of U. S. Tract 6a; thence with U. S. Tract 6a, N. 69'25" W., 9.4 chains to corner 1, common to corner 3 of U. S. Tract 1h; thence with U. S. Tract 1h, N. 69'25" W., 12.3 chains to Halfway Creek Road, in the Charleston-Berkeley County Line; thence northeasterly with Halfway Creek Road, and along the Charleston-Berkeley County Line, 375.0 chains to corner 11 of U. S. Tract 11; thence two lines with U. S. Tract 11: (1) N. 45'45" E., 42.9 chains to corner 12 thereof, (2) N. 37'00" W., 15.8 chains to Halfway Creek Road; thence northeasterly with Halfway Creek Road, passing in line Forest Service monuments 484 and 602, 237.0 chains to junction with Thompson Branch Road; thence northeasterly with Halfway Creek Extension Road,

225.0 chains to junction with Coffee Road; thence southeasterly with Coffee Road, 20.0 chains to Honey Hill Tower Road; thence easterly, with Honey Hill Tower Road and through U. S. Tract 3, 150.0 chains to line 22 23 of U. S. Tract 3; thence S. 44 45' E., along line 22 23 of U. S. Tract 3, 78.0 chains to corner 23 thereof; identical with Forest Service monument 653; thence two lines with U. S. Tract 3: (1) N. 45 30' E., 16.4 chains, (2) N. 39 40' E., 10.9 chains to corner 24 of U. S. Tract 3; identical with corner 9 of U. S. Tract 16; thence three lines with U. S. Tract 16: (1) N. 43 09' E., 6.2 chains, (2) N. 42 30' E., 18.8 chains, (3) N. 44 45' W., 65.0 chains to Waterborn Fence; thence northeasterly with Waterborn Fence and within lands of the United States, 460.0 chains to the South Santee River; thence southeasterly with lands of the United States and along the South Santee River, 710.0 chains to the point of beginning.

All persons are hereby informed that it is unlawful to hunt, catch, trap, willfully disturb, or kill any kind of game animals, game or nongame bird, or fish, or to take the eggs of any such bird, on any lands of the United States herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 10th day of May, in the year of our Lord nineteen hundred and forty-[SEAL] eight, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-4356; Filed, May 11, 1948; 11:26 a. m.]

PROCLAMATION 2786

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: THE PHILIPPINES
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of na-

tionals of the Philippines registered in the United States Patent Office which have been subject to renewal on or after December 8, 1941, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that the Philippines accords substantially equal treatment in this respect to trademark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after December 8, 1941, and before June 30, 1947, until and including June 30, 1948.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 11th day of May, in the year of our Lord nineteen hundred and [SEAL] forty-eight and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-4355; Filed, May 11, 1948; 11:26 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission
PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

MISCELLANEOUS AMENDMENTS

1. Section 22.6 is amended to read as follows:

§ 22.6 *Where appeals shall be filed.* Appeals from employees in the Departmental Service in Washington, D. C., and the metropolitan area shall be submitted to the Chief Law Officer, United States Civil Service Commission, Washington 25, D. C.; appeals from employees in the Field Service in Washington, D. C. and the metropolitan area shall be submitted to the Director, Fourth United States Civil Service Region, Washington 25, D. C., and appeals from employees outside of these areas shall be submitted to the director of the appropriate civil service region or manager of any branch regional office.

2. The proviso clause at the end of paragraphs (b) and (c) of § 22.8 and at the end of paragraph (c) of § 22.9, and at the end of the first sentence of paragraph (a) of § 22.10 is hereby revoked.

3. Section 22.10 (c) is amended to read as follows:

§ 22.10 *Decision in the Commission.*

(c) *Report by agencies to Commission of action taken or proposed to be taken on finding favorable to employee.* When the finding and recommendation is that the employee be restored to his position, or is otherwise favorable to the employee, the employing agency will, at the time the finding and recommendation is transmitted to it, be requested to report to the Chief Law Officer or the regional office, as the case may be, within seven (7) days of the receipt of such finding and recommendation, regarding the action taken or proposed to be taken by the employing agency.

4. The parenthetical clause reading "(and of the Commissioners in loyalty cases)" which appeared in the first sentence of paragraph (a) of § 22.11 and in the second sentence of paragraph (f) of § 22.11 is hereby revoked.

(Secs. 11, 14, 58 Stat. 387; 5 U. S. C. Sup. 860, 863)

UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 48-4241; Filed, May 11, 1948; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 421—BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR ANNUAL CONTRACTS COVERING 1948 CROP YEAR (DOLLAR COVERAGE INSURANCE)

Correction

In Federal Register Document 48-2002, appearing at page 1215 of the issue for Saturday, March 6, 1948, the following correction is made:

In § 421.1 the last line of paragraph (a) should read "Elbert County, Colo.," instead of "Elbert County, New York."

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENTS OF PUBLIC AIRPORTS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 48-3507, appearing at page 2338 of the issue for Friday, April 30, 1948, the following correction is made:

In Appendix D, under "Estimated cost of proposed work (seven dollars)" on page 2340, the "Estimated Federal share of cost" for item 1, now reading "75" should read "25".

Appendix DD
North American Game Birds and Game Animals

LARGE GAME

- **Bear:** Black Bear, Brown Bear, Grizzly Bear, Polar Bear
- **Bison, Wood Bison**
- **Caribou:** Barren Ground Caribou, Dolphin Caribou, Union Caribou, Woodland Caribou
- **Mountain Lion**
- **Deer:** Axis Deer, Black-tailed Deer, Chital, Columbian Black-tailed Deer, Mule Deer, White-tailed Deer
- **Elk:** Rocky Mountain Elk, Tule Elk
- **Gemsbok**
- **Goat:** bezoar goat, ibex, mountain goat, Rocky Mountain goat
- **Moose,** including Shiras Moose
- **Muskox**
- **Pronghorn**
- **Sheep:** Barbary Sheep, Bighorn Sheep, California Bighorn Sheep, Dall's Sheep, Desert Bighorn Sheep, Lanai Mouflon Sheep, Nelson Bighorn Sheep, Rocky Mountain Bighorn Sheep, Stone Sheep, Thinhorn Mountain Sheep

SMALL GAME

- **Armadillo**
- **Badger**
- **Beaver**
- **Bobcat**
- **North American Civet Cat/Ring-tailed Cat, Spotted Skunk**
- **Coyote**
- **Ferret, feral ferret**
- **Fisher**
- **Fox:** arctic fox, gray fox, red fox, swift fox
- **Lynx**
- **Marmot,** including Alaska marmot, groundhog, hoary marmot, woodchuck
- **Marten,** including American marten and pine marten
- **Mink**
- **Mole**
- **Mouse**
- **Muskrat**
- **Nutria**
- **Opossum**
- **Pig:** feral swine, javelina, wild boar, wild hogs, wild pigs
- **Pika**
- **Porcupine**
- **Prairie Dog:** Black-tailed Prairie Dogs, Gunnison's Prairie Dogs, White-tailed Prairie Dogs
- **Rabbit & Hare:** Arctic Hare, Black-tailed Jackrabbit, Cottontail Rabbit, Belgian Hare, European Hare, Snowshoe Hare, Swamp Rabbit, Varying Hare, White-tailed Jackrabbit
- **Raccoon**

- **Rat,** including Kangaroo Rat and Wood Rat
- **Shrew**
- **Skunk,** including Striped Skunk and Spotted Skunk
- **Squirrel:** Abert's Squirrel, Black Squirrel, Columbian Ground Squirrel, Gray Squirrel, Flying Squirrel, Fox Squirrel, Ground Squirrel, Pine Squirrel, Red Squirrel, Richardson's Ground Squirrel, Tree Squirrel, Wyoming Ground Squirrel
- **Vole**
- **Weasel,** including least weasel, long-tailed weasel
- **Wolf,** including gray wolf
- **Wolverine**

UPLAND BIRDS

- **Chachalaca**
- **Chukar**
- **Crow**
- **Dove & Pigeon:** Band-tailed Pigeon, Barred Dove, Eurasian Collared Dove, Mourning Dove, Ringed Turtledove, Rockdove, Pigeon, Spotted Dove, White-winged Dove
- **Francolin:** Black Francolin, Erckel's Francolin, Gray Francolin
- **Grouse:** Blue Grouse, Chestnut-bellied Sand Grouse, Columbian Sharp-tailed Grouse, Dusky Grouse, Forest Grouse, Franklin's Grouse, Greater Prairie Chicken, Lesser Prairie Chicken, Ruffed Grouse, Greater Sage Grouse, Mountain Sharp-tailed Grouse, Sharp-tailed Grouse, Spruce Grouse
- **Partridge,** including Chukar and Gray Partridge (aka Hungarian Partridge)
- **Pheasant:** Green Pheasant, Himalayan Snowcock, Kalij Pheasant, Ring-necked Pheasant, White-winged Pheasant
- **Ptarmigan:** Rock Ptarmigan, White-tailed Ptarmigan, Willow Ptarmigan
- **Quail:** Bobwhite, California Quail, Gambel's Quail, Japanese Quail, Mountain Quail, Northern Bobwhite, Scaled Quail
- **English or House Sparrow**
- **Starling**
- **Turkey:** Eastern Turkey, Merriam's Turkey, Rio Grande Turkey, Osceola Turkey, Gould's Turkey

WATERFOWL

- **Cormorant**
- **Sandhill Crane**
- **Duck:** Mallard, Black Duck, Mottled Duck, Northern Pintail, Gadwall, American Wigeon, Northern Shoveler, Blue-winged Teal, Cinnamon Teal, Green-winged Teal, Wood Duck, Fulvous Whistling-Duck, Black-bellied Whistling Duck, Redhead, Canvasback, Ring-necked Duck, Greater Scaup, Lesser Scaup, Common Goldeneye, Barrow's Goldeneye, Bufflehead, Harlequin Duck, Common Eider, King Eider, Oldsquaw/Long-tailed Duck, Black Scoter, White-winged Scoter, Surf Scoter,

Hooded Merganser, Red-breasted Merganser,
Common Merganser, Ruddy Duck

- **Gallinule:** American Purple, Moorhen, American Coot
- **Goose:** Canada Goose (including the many subspecies), Brant, White-fronted Goose, Snow

Goose (both white and blue phases), Ross' Goose
(both white and blue phases)

- **Rail:** Clapper Rail, King Rail, Sora Rail, Virginia Rail
- **Snipe, Wilson's Snipe (aka common snipe)**
- **Tundra Swan**
- **Woodcock**

Source: NRA. [North American Game Birds & Game Animals](#) (pdf).

Appendix EE
Provenance of National Forests and National Grasslands

National forests and national grasslands with names in **bold** have lands that are predominantly reserved public domain lands (though they may also have a small fraction of acquired lands). Those with names in *italics* consist totally of acquired lands (aka Weeks Law lands). Those with names in plain text have a mixture of reserved public domain and acquired lands.

National Forests

<i>Allegheny, PA</i>	Eldorado, CA	Lincoln, NM	San Bernardino, CA
Angeles, CA	El Yunque, PR	Lolo, NM	San Isabel, CO
<i>Angelina, TX</i>	<i>Finger Lakes, NY</i>	Los Padres, CA	San Juan, CO
Apache-Sitgreaves,	Fishlake, UT	Malheur, OR	Santa Fe, NM
AZ, NM	Flathead, MT	Manti-LaSal, UT,	Sawtooth, ID, UT
<i>Apalachicola, FL</i>	<i>Francis Marion, SC</i>	CO	Sequoia, CA
Arapaho, CO	Fremont-Winema, OR	<i>Mark Twain, MO</i>	Shasta-Trinity, CA
Ashley, UT, WY	Gallatin, MT	Medicine Bow-	<i>Shawnee, IL</i>
Beaverhead-Deer-	<i>George Washington</i>	Routt, CO, WY	Shoshone, WY
lodge, MT	<i>and Jefferson, VA,</i>	Mendocino, CA	Sierra, CA
<i>Bienville, MS</i>	<i>WV, KY</i>	Modoc, CA	Siuslaw, OR
Bighorn, WY	Gifford Pinchot, WA	<i>Monongahela, WV</i>	Six Rivers, CA
Bitterroot, MT, ID	Gila, NM	Mt. Baker-	Stanislaus, CA
Black Hills, SD, WY	Grand Mesa, CO	Snoqualmie, WA	St. Joe, ID
Boise, ID	<i>Green Mountain, VT</i>	Mt. Hood, OR	<i>Sumter, SC</i>
Bridger-Teton, WY	Gunnison, CO	<i>Nantahala, NC</i>	Superior, MN
Caribou-Targhee,	Helena, MT	Nebraska, NE	Tahoe, CA
ID, WY	<i>Hiawatha, MI</i>	Nez Perce, ID	<i>Talladega, AL</i>
Carson, NM	<i>Holly Springs, MS</i>	Ocala, FL	<i>Tombigbee, MS</i>
<i>Chattahoochee-</i>	<i>Homochitto, MS</i>	Ochoco, OR	Tongass, AK
<i>Oconee, GA</i>	<i>Hoosier, IN</i>	Okanogan-	Tonto, AZ
<i>Chequamegon-</i>	Humboldt-Toiyabe,	Wenatchee, WA	<i>Tuskegee, AL</i>
<i>Nicolet, WI</i>	NV, CA	Olympic, WA	Uinta-Wasatch-
<i>Cherokee, TN, NC</i>	Huron-Manistee, MI	<i>Osceola, FL</i>	Cache, UT, WY,
Chippewa, MN	Inyo, CA, NV	<i>Ottawa, MI</i>	ID
Chugach, AK	Kaibab, AZ	Ouachita, AR, OK	Umatilla, OR, WA
Cibola, NM	Kaniksu, ID, MT,	Ozark-St. Francis, AR	Umpqua, OR
Clearwater, ID	WA	Payette, ID	Uncompahgre, CO
Cleveland, CA	<i>Kisatchie, LA</i>	Pike, CO	<i>Uwharrie, NC</i>
Coconino, AZ	Klamath, CA, OR	<i>Pisgah, NC</i>	Wallowa-Whitman,
Coeur d'Alene, ID	Kootenai, MT, ID	Plumas, CA	OR, ID
Colville, WA	Lake Tahoe Basin	Prescott, AZ	<i>Wayne, OH</i>
<i>Conecuh, AL</i>	Management Unit,	Rio Grande, CO	<i>White Mountain, NH,</i>
Coronado, AZ, NM	CA, NV	Rogue River-	<i>ME</i>
<i>Croatan, NC</i>	<i>Land Between the</i>	Siskiyou, OR	White River, CO
Custer, SD, WY	<i>Lakes National</i>	Roosevelt, CO	Willamette, OR
<i>Daniel Boone, KY</i>	<i>Recreation Area,</i>	<i>Sabine, TX</i>	<i>William B Bankhead,</i>
<i>Davy Crockett, TX</i>	KY, TN	Salmon-Challis, ID	<i>AL</i>
<i>De Soto, MS</i>	Lassen, CA	<i>Sam Houston, TX</i>	
<i>Delta, MS</i>	Lewis and Clark,	Samuel R. McKelvie,	
Deschutes, OR	MT	NE	
Dixie, UT			

National Grasslands

Black Kettle, OK, TX

Buffalo Gap, SD

Butte Valley, CA

Caddo, TX

Cedar River, ND

Cimarron, KS

Comanche, CO

Crooked River, OR

Curlew, ID

Fort Pierre, SD

Grand River, SD

Kiowa, NM

Little Missouri, ND

Lyndon B. Johnson,

TX

McClellan Creek, TX

Ogalala, NE

Pawnee, CO

Rita Blanca, TX, OK

Sheyenne, ND

Thunder Basin, WY

Midwin National

Tallgrass Prairie,

IL

Appendix FF

Draft Language for an Administrative Rule Pertaining to National Wildlife Areas

Title 36: Parks, Forests, and Public Property

Part 298—National Wildlife Areas (new)

298.10 Purpose

298.11 Definitions

298.12 Establishment of a National Wildlife Area System

298.13 Administrative Consideration of National Wildlife Areas

298.13-1 Consideration

298.13-2 Consultation

298.13-3 Public Review and Comment

298.13-4 Forwarding to the President

298.14 Administration of National Wildlife Areas

298.14-1 General Administration

298.14-2 Compatible Public Recreation

298.14-3 Minerals

298.14-3.1 Hardrock Mineral Withdrawal

298.14-3.2 Prohibition on the Leasing or Sale of Minerals

298.14-4 Tree Killing

298.14-5 Post-Disturbance and Legacy Creation Event Management

298.14-6 Livestock Grazing

298.14-7 Roads

298.14-8 Comporting Land and Resource Management Plans

298.14-9 Fish and Wildlife Management

298.14-10 Public Education

298.10 Purpose

The purpose of this subpart is to provide, within the context of multiple-use management, (a) enduring protection for vital habitats for game and other species of fish and wildlife; (b) ecosystem-based carbon storage and sequestration; (c) conserving and restoring biological diversity; and (d) providing water of very high quality, all while allowing public recreation that is compatible with the purposes listed in (a), (b), and (c).

298.11 Definitions

The following terms and definitions apply to this subpart¹:

Chief. The Chief of the Forest Service as defined in *36 CFR 200.1(b)*.

District ranger. Defined as described in *36 CFR 200.2(a)(1)*.

Disturbance and legacy creation event. Disturbance of the vegetation on national forest land by, but not limited to, fire, wind, volcano, insects, or other pathogens that create ecological legacies.

Forest supervisor. Defined as described in *36 CFR 200.2(a)(1)*.

¹ The definitions of *logging*, *plantation*, and *tree* are from the *Dictionary of Forestry*, published by the Society of American Foresters, which is not online and therefore not linkable.

Generally natural. Those forest stands, forest groves, woodlands, or other ecosystems that generally appear to have been influenced primarily by the forces of nature, with the imprint of human work substantially unnoticeable. A forest stand is generally natural even if some stumps, primitive paths for motorized equipment, and/or annual forage removal is present. *Generally natural* is not limited to pristine conditions.

Logging. The felling, skidding, on-site processing, and loading of trees or logs onto trucks, wagons, or trains.

National Forest System. Defined as described in *16 USC §1609*.

National wildlife area. An area within the National Forest System that has been proclaimed by the President under any of various congressional delegations of authority pertaining to the National Forest System.

Plantation. A forest stand that was established after clear-cutting by planting, artificial seeding, or seed rain from adjacent forest.

Potential national wildlife area. An area of the National Forest System that qualifies for proclamation by the President as a national wildlife area because it is worthy of being established as a sanctuary or refuge for the protection of game birds, animals, and fish.

Reasons of public convenience. Reasons having to do with the enjoyment of roads, trails, and facilities in the covered area.

Reasons of public safety. Reasons having to do with circumstances or conditions in which there is a high and imminent risk to people that cannot be reasonably mitigated by temporary use restrictions.

Regional forester. Defined as described in *36 CFR 200.1(b)*.

Snag. A standing dead tree.

Tree. A woody perennial plant, typically large and with a well-defined stem or stems carrying a more or less definite crown.

Tree killing. Causing the death of a live tree by human means, including but not limited to

- (1) cutting the tree down,
- (2) girdling the tree so as to create a snag,
- (3) removing the top of a tree by explosive or cutting so as to create a snag, or
- (4) injecting a live tree with a chemical or pathogen intended to hasten its demise.

Uncharacteristic disturbance. A human-caused disturbance that is not part of the natural ecology of the site and is caused by logging, fire suppression, roads, mining, and/or livestock grazing. The term does not include disturbances by fire, insects, or disease that were characteristic to the forest ecosystem (including natural disturbance and legacy creation events) prior to the commencement of logging, fire suppression, mining, and/or livestock grazing.

298.12 Establishment of a National Wildlife Area System

There is established a system of national wildlife areas within the National Forest System that shall consist of national wildlife areas that

(a) have previously been proclaimed by the President pursuant to any specific or general authorities granted by Congress including those previously proclaimed prior to the publishing of this administrative rule:

- (1) Grand Canyon National Game Preserve
- (2) Pisgah National Game Preserve
- (3) Norbeck Wildlife Preserve
- (4) Cherokee National Game Refuge No. 1

- (5) Noontootly National Game Refuge
- (6) Sheep Mountain Game Refuge
- (7) Tahquitz National Game Preserve
- (8) Barkshead National Game Refuge
- (9) Black Mountain National Game Refuge
- (10) Caney Creek National Game Refuge
- (11) Haw Creek National Game Refuge
- (12) Livingston National Game Refuge
- (13) Moccasin National Game Refuge
- (14) Oak Mountain National Game Refuge
- (15) Ocala National Game Refuge
- (16) Big Levels Game Refuge
- (17) Pigeon Creek National Game Refuge
- (18) Ouachita National Wildlife Preserve
- (19) National Catahoula Wildlife Management Preserve
- (20) National Red Dirt Wildlife Management Preserve
- (21) Francis Marion National Forest Wildlife Preserve

(b) and are subsequently proclaimed by the President under authorities delegated by Congress.

298.13 Administrative Consideration of National Wildlife Areas

298.13-1 Consideration

A forest supervisor shall periodically consider nominations for areas that are appropriate for a proclamation by the President to be national wildlife areas.

Potential national wildlife area nominations may be made at any time to a forest supervisor by

- (1) a district ranger or equivalent reporting to the forest supervisor,
- (2) state, local, and/or tribal governments, or units thereof,
- (3) professional societies or scientists with appropriate expertise, and/or
- (4) any citizen.

If a forest supervisor determines that a nomination does not make a prima facie case for the proclamation of a national wildlife area, the forest supervisor may reject the nomination.

298.13-2 Consultation

In considering a national wildlife area nomination, the Forest Service shall solicit the views of the United States Geological Survey, the Environmental Protection Agency, and the governments of affected states, counties, and Tribes; and of professional scientific societies and scientists with expertise in fish and wildlife conservation, natural area protection, ecosystem-based carbon storage and sequestration, biological diversity conservation, and watershed function.

298.13-3 Public Review and Comment

Before forwarding a nomination upward, a forest supervisor shall provide an adequate opportunity for public comment.

298.13-4 Forwarding to the President

Such nominations, with or without a recommendation by the forest supervisor and along with a summation of the views and comments received, shall be forwarded to the Chief of the Forest Service by the appropriate regional forester, who may or may not also make a recommendation.

The Chief of the Forest Service shall forward nominations to the Secretary of Agriculture, with or without a recommendation.

If the Secretary of Agriculture determines the nomination to be in the public interest, the Secretary shall present the nomination to the President with a recommendation for a proclamation.

298.14 Administration of National Wildlife Areas

298.14-1 General Administration

National wildlife areas shall be administered for the purposes stated in 298.10.

298.14-2 Compatible Public Recreation

Public recreation within a national wildlife area is limited to the kinds and amounts of recreation that are not harmful to the purposes of the national wildlife area. Motorized vehicle use shall be limited to existing roads open for such use.

298.14-3 Minerals

298.14-3.1 Hardrock Mineral Withdrawal

Upon the forwarding of a national wildlife area nomination to the President, the Chief shall promptly initiate the process detailed in 43 CFR Part 2310.2 to segregate the federal lands within the nominated national wildlife area. The Chief may initiate a segregation earlier if such is deemed in the public interest.

Upon the presidential proclamation of a national wildlife area, the Chief shall promptly initiate the process in 43 CFR 2300 et seq. to obtain, for the maximum period of time allowed by law, a withdrawal from the application of mining laws pertaining to locatable minerals.

298.14-3.2 Prohibition on the Leasing or Sale of Minerals

Subject to valid existing rights, the forest supervisor, or any other official in the Department of Agriculture, shall not lease (including under a no-surface occupancy stipulation), sell, or dispose of—or extend the lease, sale, or disposal of—minerals on federal land within a national wildlife area under the Mineral Leasing Act (30 USC Subchapter IV), Geothermal Steam Act (30 USC Chapter 23), or Mineral Materials Act (30 USC §601).

298.14-4 Tree Killing

Within a national wildlife area, no trees of any age, living or dead, standing or fallen, may be sold or removed. If for reasons of public safety, public convenience, or to further the purposes of the national wildlife area, a live tree must be killed, the tree shall be either

- (a) left standing as a snag; or

(b) if felled, either

- (1) left where it fell or all or a portion be minimally moved for reasons of public convenience, or
- (2) all or a portion be moved to a water body to provide for the recruitment of large wood into the aquatic ecosystem.

298.14-5 Post-Disturbance and Legacy Creation Event Management

After a disturbance and legacy creation event in a national wildlife area, the full application of the prohibitions, directions, protections, and purposes detailed in this rule will remain undiminished. The natural forest cycle will be allowed to naturally continue so as to optimize carbon storage and sequestration, biological diversity, and watershed function.

298.14-6 Livestock Grazing

The grazing of domestic livestock in national wildlife areas shall be conditioned upon such grazing causing no harm to the purposes for which the national wildlife area was established.

298.14-7 Roads

No new permanent or temporary road shall be authorized within any national wildlife area. Unnecessary roads shall be fully decommissioned. Necessary roads shall be made less harmful to wildlife and watershed.

298.14-8 Comporting Land and Resource Management Plans

Land and resource management plans shall promptly be amended to reflect the establishment of national wildlife areas. All national wildlife areas shall not be included in any allowable sale quantity determination required by 16 USC §1611, or any other provision of law, policy, or direction.

298.14-9 Fish and Wildlife Management

Nothing in this regulation is intended to limit the authority of a state to regulate hunting and fishing within a national wildlife area.

298.14-10 Public Education

Forest supervisors shall ensure that the public is aware of national wildlife areas by

- (a) the posting of educational signs at appropriate entrance points to national wildlife areas,
- (b) the posting online of detailed maps and other information about national wildlife areas, and
- (c) as they are revised, the depiction of national wildlife areas on all maps issued by the Forest Service.

Appendix GG
Authorities for an Administrative Rule Pertaining to National Wildlife Areas

The statutory authorities for a protective rule regarding national wildlife areas are broad and deep and can be categorized into four types:

1. Broad congressional delegations of power to establish national wildlife areas

- *Acquired lands*: The Act of August 11, 1916 (Appendix B)
- *Reserved public domain lands*: The Act of March 10, 1934 (Appendix J)

2. Specific congressional delegations of power to establish national wildlife areas

See Table 1 and referenced appendixes.

3. General congressional delegations of power to administer the National Forest System

- National Forest Management Act of 1976, as amended ([16 USC Chapter 36, Subchapter 1](#))
- Laws affecting national forest lands ([16 USC 472](#))
- Authorization of development and administration consideration to relative values of resources; areas of wilderness. ([16 USC 529](#))
- Protection of national forests; rules and regulations ([16 USC 551](#))
- Multiple Use-Sustained Yield Act of 1960 ([16 USC 528](#))

4. Other congressional delegations and direction, including treaties, to protect the environment and natural resources

- Bald and Golden Eagle Protection Act ([16 USC 668](#) et seq.)

While the Bald and Golden Eagle Protection Act essentially provides for civil and/or criminal penalties for those who harm bald or golden eagles, the proclamation of NWAs furthers the purposes of the act by establishing protected habitats in which the possibility of harm to eagles is reduced.

- Migratory Bird Treaty Act ([16 USC 7013](#) et seq.)

The MBTA operationalized treaties between the United Kingdom (on behalf of the Dominion of Canada), Mexico, Japan, and the Union of Soviet Socialist Republics (now again Russia) to conserve migratory birds in and near North America.

A purpose of the [first treaty](#), in 1916, between Canada and the United States, is “insuring the preservation of such migratory birds as are either useful to man or are harmless.” Protecting habitat of migratory birds helps protect migratory birds and therefore furthers the purposes of the MBTA.

The [second treaty](#), in 1936, between the United States of America and the United Mexican States, says it “is right and proper to protect the said migratory birds, whatever may be their

origin, in the United States of America and the United Mexican States, in order that the species may not be exterminated.”

The [third treaty](#), in 1974, between the USA and Japan, noted “that birds constitute a natural resource of great value for recreational, aesthetic, scientific, and economic purposes, and that this value can be increased with proper management.” Habitat protection is “proper management.”

The [fourth treaty](#), in 1976, between the USA and what is now again Russia, repeats the language of the US-Mexico treaty cited above and also calls for each nation to

Identify areas of breeding, wintering, feeding, and moulting which are of special importance to the conservation of migratory birds within the areas under its jurisdiction. Such identification may include areas which require special protection because of their ecological diversity or scientific value. . . .
Each Contracting Party **shall**, to the maximum extent possible, undertake measures necessary to **protect the ecosystems in those special areas** . . . against pollution, detrimental alteration and other environmental degradation. [emphasis added]

Protecting habitat of migratory birds furthers the MBTA and the treaties upon which it is based.

While the Migratory Bird Treaty Act mainly provides for civil and criminal penalties for those who illegally take migratory birds, pursuant to four migratory bird treaties between the United States of America and Canada, Japan, Mexico, and Russia, a [presidential executive order requires federal agencies](#) to “support the conservation intent of the migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities.” Pursuant to the executive order, the Forest Service entered into a [memorandum of understanding](#) (MOU) with the Fish and Wildlife Service, in which the Forest Service agreed to

- “protect, restore, and conserve habitat of migratory birds,”
- “[w]ork collaboratively with partners to identify, restore, and conserve Important Bird Areas, Western Hemisphere Shorebird Reserve Network sites, and other significant bird sites,”
- “follow the [Fish and Wildlife Service] [Bald Eagle Management Guidelines](#),” and
- “[p]romote this MOU within the Forest Service . . . to ensure its effective implementation and its inclusion in land use planning and other avian conservation activities.”

There are [currently 1,093 species](#) listed as “migratory birds.” Not all are found on national forest lands.

- Endangered Species Act ([16 USC Chapter 35](#))

A major purpose of the Endangered Species Act [is to](#) “provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved.” Further, [Congress directed](#) that “all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this [Act].”

- National Environmental Policy Act of 1970, as amended ([42 USC Chapter 55](#))

More specifically:

(b) In order to carry out the policy set forth in this [Act], **it is the continuing responsibility of the Federal Government to use all practicable means,** consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources **to the end that the Nation may—**

(1) **fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;**

(2) **assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;**

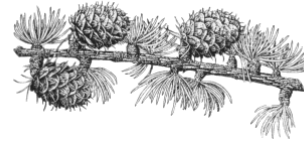
(3) **attain the widest range of beneficial uses of the environment without degradation,** risk to health or safety, or other undesirable and unintended consequences;

(4) **preserve important historic, cultural, and natural aspects of our national heritage,** and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. [emphasis added] ([42 USC 4331](#))

Larch Occasional Papers



The Larch Company occasionally issues papers:

<i>#</i>	<i>Year</i>	<i>Title</i>
27	2022	Presidential Authority to Proclaim National Wildlife Areas on the National Forest System
26	2022	Social Cost of Fossil Fuels from US Public Lands
25	2021	The Authority for and Implementation of Forest Service Special Areas
24	2020	Outstandingly Remarkable Values for Wild and Scenic Rivers (with an Emphasis on Oregon)
23	2018	New U.S Outer Continental Shelf Oil and Gas Exploitation: Costly and Short Lived
22.1	2017	National Heritage Areas: Combining the Conservation of Nature, History, and Culture with Local Economic Development
21	2015	National What-Have-You Areas: Congressional Conservation of Our Public Lands
20.5	2015	21st-Century National Recreation Areas for Oregon's National Forests and BLM Public Lands
19	2013	Oregon Softwood Lumber Industry 1995-2012: Fewer Mills and Jobs, But Larger Timber-Processing Capacity
18	2012	Oregon Private Timberland Owners Not Paying Fair Share of Federal Income Taxes
17	2012	Oregon Private Timberland Owners Not Paying Enough State Timber Taxes
16	2012	Oregon Private Timberland Owners Not Paying Fair Share of County Property Taxes
15	2012	Native American Tribal Lands and Federal Public Forestlands in Oregon
14	2012	An Overview of Land Management Categories for Oregon Federal Public Lands Under the Northwest Forest Plan
13.9	2019	National Wild and Scenic Rivers and State Scenic Waterways in Oregon
12	2012	Special Congressional Conservation Designations in Oregon
11.2	2020	The National Wilderness Preservation System in Oregon: Making it Bigger and Better
10	2012	Oregon and Washington Raw Log Exports: Exporting Jobs and a Subsidy to Domestic Mills
9	2012	Pacific Northwest Offshore Oil and Gas Potential: At Best About a Month's National Supply; At Worse An Unnatural Disaster
8	2011	"Small" Wilderness: No Big Deal
7	2011	Overlapping Wilderness and Wild & Scenic River Designations Provide Optimal Conservation Protection for Federal Public Lands(co-authored with Mark Salvo)
6	2008	Establishing a System of and a Service for U.S. Deserts and Grasslands (co authored w/ Mark Salvo)
5	2007	Eliminating Forest Service Regional Offices: Replacing Middle Management with More On-the-Ground Restoration
4	2007	Forest Service Administrative Appeals: A Misallocation of Resources
3	2007	Thinning Certain Oregon Forests to Restore Ecological Function
2	2007	Transferring Western Oregon Bureau of Land Management Forests to the National Forest System
1	2007	Persuading Congress to Establish a Wilderness and/or Wild & Scenic River: A Checklist

All may be downloaded at <http://www.andykerr.net/larch-occasional-papers>.

While these papers are provided without charge, production is not without cost. If you found this paper useful, please consider sending a check in the amount of what you think it was worth payable to The Larch Company, 7128 Highway 66, Ashland, OR 97520. Alternatively, there are apps for that. My PayPal account name is my email address. One could also Venmo (or the like) me.

Andy Kerr (andykerr@andykerr.net, 503.701.6298 v/t).

DEDICATED TO THE CONSERVATION AND RESTORATION OF NATURE, THE LARCH COMPANY IS A NON-MEMBERSHIP FOR-PROFIT ORGANIZATION THAT REPRESENTS SPECIES THAT CANNOT TALK AND HUMANS NOT YET BORN. A DECIDUOUS CONIFER, THE WESTERN LARCH HAS A CONTRARY NATURE.