

OP. GEN. COUN. NO. 126

UNITED STATES DEPARTMENT OF AGRICULTURE
Office of the General Counsel
Washington, D. C. 20250

December 31, 1964

SYLLABUS

Federal Sustained Yield Unit

1. The size of the community area for whose benefit a Federal Sustained Yield Unit is established pursuant to the act of March 29, 1944 (54 Stat. 132), as amended (16 U.S.C. 583 - 583i) depends on (a) whether the community is "primarily dependent" upon the sale of National Forest timber and (b) whether the permanent stability of such community cannot effectively be secured by selling National Forest timber on a competitive basis, as well as any other relevant factors in maintaining the stability of the community.

It is reasonable to interpret and apply "primarily dependent" as meaning that more than 50 percent of the economy of the dependent community is dependent upon processing National Forest timber and that this includes both employees directly working for companies processing National Forest timber and service industry employees which could be considered to be dependent upon those directly employed in such forest products work.

2. The requirement under the act of March 29, 1944, that advance notice shall be given of the proposed establishment of a Federal Sustained Yield Unit would be met by publication in one or more newspapers of a general circulation in the vicinity of the place where the timber is located, by which information as to the proposal could be communicated to landowners whose lands would be inside the exterior boundaries of the Unit, although not a part thereof, and others who might wish to participate in a public hearing.
3. The phrase "supply of timber for local use" as used in the act of April 12, 1926 (44 Stat. 242; 16 U.S.C. 616) is reasonably interpreted to mean the "supply of timber for