

Question 1: You desire our advice as to how such a large area as that proposed by the petition could be construed to meet the requirements of section 3 1/ of the act of March 29, 1944, supra, and as to whether there is any legislative history which would indicate that section 3 of the act was intended for use in establishing such a zone for primary manufacture.

It is our opinion that the size of the community area for whose benefit the sustained yield unit is created depends on whether the community proposed for inclusion is "primarily dependent" upon the sale of National Forest timber and that the interpretation of "primarily dependent" heretofore applied by the Department is reasonable. It further depends on 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.

The act contains no express limitation as to the area of national forest land which may be included within a Federal Sustained Yield Unit and no express limitation as to the area

1/ Section 3 of the act, which relates to Federal Sustained Yield Units, provides:

"The Secretary of Agriculture and the Secretary of the Interior are further severally authorized, whenever in their respective judgments the maintenance of a stable community or communities is primarily dependent upon the sale of timber or other forest products from federally owned or administered forest land and such maintenance cannot effectively be secured by following the usual procedure in selling such timber or other forest products, to establish by formal declaration for the purpose of maintaining the stability of such community or communities a sustained-yield unit consisting of forest land under the jurisdiction of the Secretary establishing such unit, to determine and define the boundaries of the community or communities for whose benefit such unit is created, and to sell, subject to such conditions and requirements as the Secretary believes necessary, federally owned or administered timber and other forest products from such unit without competitive bidding at prices not less than their appraised values, to responsible purchasers within such community or communities."