

As we interpret the act, the only land which may be proposed for inclusion is land which the Secretary is authorized to establish as a part of a sustained yield unit. Since the act does not authorize the inclusion of privately-owned land in Federal units, we think the landowner whose land is proposed to be included (section 5) refers to the landowner whose land would be included in the cooperative sustained yield unit as land which reasonably may be expected to be made the subject of a cooperative agreement (section 1). The Federal Sustained Yield Unit technically would be so described as to include only the National Forest lands of which, under the language of the statute, it consists.

Section 5 also provides for advance notice by publication in one or more newspapers of general circulation in the vicinity of the place where the timber is located. We think the fact that provision was made for giving advance notice to the public generally lends support to our present interpretation that advance notice by registered or certified mail does not apply to the establishment of a Federal unit. Landowners whose lands will be inside the exterior boundaries of a proposed Federal unit, but not included as a part thereof, and others who may wish an opportunity to participate in the public hearing for presentation of the advantages and disadvantages of the proposed action to the community or communities affected, are not without advance notice.

In connection with the establishment of a sustained yield unit your memorandum states that consideration of establishment of such units was terminated by Under Secretary True Morse's letter of May 1957 to the Chairmen of the Senate Interior Committee and the House Government Operations Committee. You further state that about the same time Regulation S-4 was revised to rescind delegation to the Chief, Forest Service, to conduct hearings and establish sustained yield units. You conclude that it would appear that before this Department engages in a formal hearing as required by section 5 on a proposal to establish a sustained yield unit, the two Congressional Committee Chairmen should be given advance notice. We see no legal objection to this course of action.

Question 3: We now turn to the issues you raised with respect to the scope of the Secretary's authority, if any, to restrict the export of National Forest timber to other States or to foreign countries or to require that National Forest timber be processed in a particular place or area. In that regard you