

first request our opinion as to how the act of April 12, 1926 (44 Stat. 242; 16 U.S.C. 616) should be applied. That act provides:

"Timber lawfully cut on any national forest, . . . may be exported from the State or Territory where grown, if, in the judgment of the Secretary. . . , the supply of timber for local use will not be endangered thereby, and the [Secretary is] . . . authorized to issue rules and regulations to carry out the purposes of this section."

Two issues are involved: (A) the meaning of the phrase "supply of timber for local use" and (B) the extent to which the Secretary may, in the absence of a finding that the supply of timber for local use will be endangered, restrict sales of National Forest timber from export to other States or to foreign countries. These two issues will be discussed in the order stated.

A. You state in your memorandum that heretofore the phrase "supply of timber for local use" has been interpreted to mean the supply of timber for local consumptive use rather than a supply for local mills which are manufacturing products for non-local markets. You further state that any other interpretation of this statute could lead to establishing barriers between States on interstate shipment of logs cut from the National Forests.

The act of April 12, 1926, *supra*, has been implemented by the Secretary's Regulation S-3 (36 C.F.R. 221.3 (c)), which reads in part:

"Unless prohibited by specific instructions from the Secretary of Agriculture, timber lawfully cut on any national forest, except the national forests in Alaska, may be exported from the State where grown." (The Alaska exception will be discussed below.)

The act of June 4, 1897 (30 Stat. 11, 24; 16 U.S.C. 476) authorized the sale of National Forest timber "to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom". (Emphasis supplied.)