

action to be taken is necessary and desirable for the protection, management and utilization of the National Forests and their resources.

Question 7: Finally, you ask our opinion as to the validity of the prohibition against the export of logs cut and removed from the National Forests in Alaska.

Limitation by the Department of export of National Forest timber from the State or Territory where grown has been confined to Alaska. This limitation on log exports from Alaska was established by Secretary W. M. Jardine's approval of a memorandum dated January 6, 1928, from W. B. Greeley, Chief Forester. Instructions were issued under Regulation S-2 (later S-3) which provided:

"Unless prohibited by specific instructions from the Secretary of Agriculture, timber lawfully cut on any National Forest may be exported from the State or Territory where grown."

In 1946 Regulation S-3 (formerly S-2) was amended to incorporate the instructions into the regulation. The regulation now reads substantially as it did when first established as instructions under Regulation S-2. 7/

7/ The limitation on the export of logs from National Forests in Alaska reads as follows (36 C.F.R. 221.3(c)):

"Timber cut from the national forests in Alaska may not be exported from Alaska in the form of logs, cordwood, bolts, or other similar products necessitating primary manufacture elsewhere without prior consent of the Regional Forester when the timber sale project involved is within his authorization to sell or the Chief, Forest Service, when a larger timber sale project is involved. In determining whether consent will be given to the export of such products consideration will be given, among other things, to whether such export will (1) permit a more complete utilization of material on areas being logged primarily for product for local manufacture, (2) prevent loss or serious deterioration of logs unsalable locally because of an unforeseen loss of market, (3) permit the salvage of timber damaged by wind,