

Bill Summary & Status for the 94th Congress

S.507

Public Law: 94-579 (10/21/76)

SPONSOR: Sen Haskell (introduced 1/30/75)

SUMMARY:

(REVISED AS OF 09/29/76 -- Conference report filed in House, H. Rept. 94-1724)

Federal Land Policy and Management Act - Title I: Short Title, Declaration of Policy, and Definitions - Declares Congressional policy relating to the use and management of public lands. Defines specified terms for the purposes of this Act.

Title II: Land Use Planning; Land Acquisition and Disposition - Directs the Secretary of the Interior to prepare and maintain on a continuing basis an inventory of all public lands and their resources.

Requires the Secretary to develop, maintain, and revise land use plans which encompass all public lands. Lists guidelines to be followed in the development and revision of such plans.

Requires the Secretary of Agriculture to develop, maintain, and revise land and resource management plans for lands in the National Forest System. Specifies guidelines for the development and revision of such land use plans.

Empowers the Secretary of the Interior to issue management decisions to implement land use plans developed or revised under this Title. Permits Congress to disapprove by concurrent resolution any management decision that excludes one or more principal uses for two years or longer with respect to a tract of land of at least 100,000 acres.

Allows the Secretary to sell a tract of public land where, as a result of land use planning, the Secretary determines that: (1) the land is difficult or uneconomic to manage; (2) the land no longer serves the purpose for which it was acquired; or (3) sale of the land will serve an important public objective. Permits Congress to adopt a concurrent resolution disapproving such sales.

Enumerates regulations governing the sale of public lands.

Sets forth procedures for withholding an area of Federal land from settlement, sale, location, or entry under some or all of the general land laws of the United States for the purpose of maintaining other public values in the area or reserving the area for a particular public purpose or program. Limits those individuals to whom the Secretary of the Interior may delegate authority for making such withdrawals. Empowers either House of Congress to disapprove withdrawals of lands aggregating over 5,000 acres.

Authorizes the Secretary of the Interior, with respect to public lands, and the Secretary of Agriculture, with respect to units of the National Forest System, to acquire lands or interests therein by purchase, exchange, donation, or eminent domain. Limits the purposes for which the Secretary of the Interior may acquire lands by eminent domain. Details guidelines relating

to land exchanges.

Prohibits the disposal of any tract of land under this Act to any person who is not a citizen of the United States or to any corporation which is not subject to the laws of any State or of the United States.

Directs the Secretary to insert in any patent or other documents of conveyance issued under this Act such terms, covenants, and conditions as necessary to insure proper land use and protection of the public interest.

Stipulates that, in lieu of specified findings, all coveyances of title issued by the Secretary shall reserve to the United Staes all minerals in the lands and the right to prospect for and remove such minerals.

Authorizes the Secretary of the Interior to convey mineral interests owned by the United States where the surface is in non-Federal ownership if he finds: (1) that there are no known mineral values in the land; or (2) that the reservation of the mineral rights is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land than mineral development.

Requires the Secretary to give at least 60 days notice to the Governor of a State that public lands in such State will be conveyed.

Authorizes the Secretary to convey to States or their political subdivisions unsurveyed islands determined by the Secretary to be public lands of the United States. Permits the Secretary to convey lands other than islands determined by him after survey to be public lands of the United States erroneously or fraudulently ommitted from the original surveys.

Amends the Recreation and Public Purposes Act of 1926 to regulate the transfer of public lands under such Act.

Revises provisions relating to the designation by the Secretary of Agriculture of lands for townsites.

Revises provisions regarding sales of tracts of public lands which have been or are presently subject to unintentional trespass to give owners of contiguous lands the rights to purchase any such tract at its fair market value before selling the tract at public auction. Subjects the Secretary to specified reporting and notification requirements in relation to such sales.

Title III: Administration - Declares that the Bureau of Land Management shall be headed by a Director, who shall be appointed by the President with the advice and consent of the Senate.

Directs the Secretary, in managing the public lands under a land use plan, to regulate the use, occupancy, and development of such lands. Restricts such authority with respect to: (1) the use, occupancy, and development of public lands by Federal agencies; (2) hunting and fishing on public lands, and (3) mining rights.

Requires that any instrument relating to the use, occupancy, or development of public lands contain a provision authorizing revocation or suspension of such instrument upon an administrative finding of a violation of any term or condition of the instrument, including terms requiring compliance with regulatioons under Acts applicable to the public lands and

compliance with applicable State or Federal air or water quality standards or implementation plans.

Authorizes the Secretary of the Interior to issue regulations necessary to implement the provisions of this Act with respect to the management, use, and protection of the public lands. Specifies penalties for persons violating such regulations. Empowers the Secretary to enter into contracts with State and local law enforcement officials for assistance in enforcing Federal laws and regulations with respect to public lands, or, in lieu thereof, to designate Federal personnel to carry out such enforcement responsibilities.

Authorizes the Secretary to establish reasonable filing and service fees and reasonable charges and commissions with respect to applications and other documents relating to public lands.

Establishes a working capital fund for the management of public lands, such fund to be made available for expenses necessary for furnishing supplies and equipment services in support of Bureau programs.

Empowers the Secretary to: (1) conduct investigations, studies, and experiments involving the management, protection, development, acquisition, and conveying of public lands; (2) enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands; (3) accept contributions and donations of money, services, and property for the management, development, acquisition, and conveying of the public lands, including the acquisition of rights-of-way for such purposes; and (4) enter into contracts with respect to the airborne cadastral survey and resource protection operations of the Bureau.

Authorizes the Secretary to establish advisory councils to furnish advice regarding land use planning, classification, retention, management, and disposal of public land within the area for which the advisory council is established.

Requires each officer or employee of the Secretary of the Interior and the Bureau of Land Management who performs any duty under this Act or who has any known financial interest to annually file with the Secretary of the Interior a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Imposes a fine of not more \$2,500 and/or imprisonment for not more than one year for violation of this requirement.

Authorizes the Secretary, upon making one of specified findings regarding the interest of the United States in specified lands, to issue a document of disclaimer of interest where such disclaimer would help remove a cloud on title.

Directs that 50 percent of all mineral revenues received from sales, bonuses, royalties and rentals of public lands under the Mineral Lands Leasing Act shall be paid by the Secretary of the Treasury to the State (except Alaska) within which the leased lands or deposits are located.

Authorizes the Secretary to make loans to States and their political subdivisions to relieve specified social and economic impacts caused by the development of minerals.

Authorizes the appropriation of such sums as are necessary to carry out this Act.

Title IV: Range Management - Requires the Secretary of Agriculture and the Secretary of the

Interior to study the value of grazing on the lands under their jurisdiction in the 11 Western States with a view to establishing a fee for domestic livestock grazing on such lands.

Specifies a formula for the determination of grazing fees.

Directs that 50 percent of all moneys received as fees for grazing domestic livestock on public lands and on lands in the National Forest System be credited to a separate account in the United States Treasury for the purpose of range rehabilitation, protection, and improvement.

Places a ten year limit on permits and leases for domestic livestock grazing. Grants to a holder of an expiring permit or lease first priority for receipt of the new permit or lease. Requires that all grazing permits and leases incorporate an allotment management plan.

Directs the Secretary of the Interior and the Secretary of Agriculture to establish at least one grazing advisory board for each Bureau of Land Management district office and National Forest headquarters office in the western States having jurisdiction over more than 5,000 acres of land subject to commercial livestock grazing.

Title V: Rights- of-Way - Authorizes the Secretary of the Interior, with respect to public lands, and the Secretary of Agriculture, with respect to lands within the National Forest System, other than wilderness areas, to grant, issue, or renew rights-of-way for enumerated uses. Sets forth disclosure requirements for right-of-way applicants.

Authorizes the Secretary of the Interior to provide for the acquisition, construction, and maintenance of roads within or near public lands in locations which will permit maximum economy in harvesting timber for such lands. Lists alternatives for financing such roads.

Permits the Secretary of the Interior to require the users of a road, trail, land, or other facility administered by the Secretary through the Bureau to either maintain or deposit sums for the maintenance of such facilities in a satisfactory condition.

Requires, to the extent practical, utilization of rights-of-way in common. Requires that each right-of-way or permit reserve to the Secretary concerned the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way granted pursuant to this Act.

Sets forth guidelines for determining the boundaries and duration of, and compensation for, rights-of-way.

Directs the Secretary concerned to include in each grant of a right-of-way under this Act such terms and conditions as are deemed necessary to protect specified environmental, administrative, economic, and other public interests.

Prescribes grounds and procedures for the suspension or termination of rights-of-way.

Permits the Secretary concerned, when conveying lands subject to a right-of-way, to (1) reserve to the United States that portion of the lands which lies within the boundaries of the right-of-way, or (2) convey the lands subject to the right-of-way and reserving to the United States the right to enforce any terms and conditions of the right-of-way when such reservation or retention of rights is necessary to carry out the purposes of this Act.

Details provisions regarding the effect of this Act on other Federal laws and on existing rights-of-way.

Title VI: Designated Management Areas - Directs the Secretary of the Interior to prepare and implement a comprehensive long-range plan for the management, use, development and protection of the lands within the California Desert Conservation Area as designated pursuant to this Act. Instructs the Secretary to establish a California Desert Conservation Area Advisory Committee to assist in the preparation and implementation of such plan.

Directs the Secretary to review roadless areas of the public lands and report recommendations to the President as to the suitability of such areas for designation as wilderness. Requires the President to report to Congress his recommendations with respect to designation as wilderness of each such area. Stipulates that a recommendation of the President for designating a specified area as wilderness shall become effective only if so provided by an Act of Congress.

Title VII: Effect on Existing Rights; Repeal of Existing Laws; Severability - Repeals specified statutes and portions of statutes relating to (1) homesteads, (2) sales and disposals of public lands, (3) administration of public lands, (4) issuance of rights-of-way on public lands and lands in the National Forest system; and (5) withdrawal regulations.