

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

Public Law 94-579
94th Congress

An Act

To establish public land policy; to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled [italics in original],

Editor's Note

This version of FLPMA was created and updated to include all sections of the Act as originally passed by Congress in 1976; consequently, it is more inclusive and annotated than most. In the text, additions have been italicized and deletions have been removed. Editor's notes are in a different, smaller font, and are framed by brackets “[].”

This document was prepared by the Bureau of Land Management and the Office of the Solicitor. Great care was taken to ensure that all amendments were included correctly and with precision. Nevertheless, we recognize that this document still could contain errors. The user is encouraged to consult the official United States Code if there is any doubt about the accuracy of the information contained herein.

TABLE OF CONTENTS

| | |
|---|------|
| FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 | |
| Public Law 94–579 – 94th Congress. | .iii |
| TITLE I—SHORT TITLE; POLICIES; DEFINITIONS | |
| Sec. 101. Short title. | .1 |
| Sec. 102. Declaration of policy. | .1 |
| Sec. 103. Definitions. | .2 |
| TITLE II— LAND USE PLANNING; LAND ACQUISITION AND DISPOSITION | |
| Sec. 201. Inventory and identification. | .4 |
| Sec. 202. Land use planning. | .4 |
| Sec. 203. Sales. | .6 |
| Sec. 204. Withdrawals. | .7 |
| Sec. 205. Acquisitions. | .10 |
| Sec. 206. Exchanges. | .11 |
| Sec. 207. Qualified conveyees. | .14 |
| Sec. 208. Conveyances. | .14 |
| Sec. 209. Reservation and conveyance of mineral interest | .15 |
| Sec. 210. Coordination with State and local governments. | .15 |
| Sec. 211. Omitted lands. | .15 |
| Sec. 212. Recreation and Public Purposes Act. | .16 |
| Sec. 213. National forest townsites. | .17 |
| Sec. 214. Unintentional Trespass Act. | .17 |
| TITLE III— ADMINISTRATION | |
| Sec. 301. BLM directorate and functions. | .20 |
| Sec. 302. Management of use, occupancy, and development. | .20 |
| Sec. 303. Enforcement authority. | .22 |
| Sec. 304. Service charges and reimbursements. | .23 |
| Sec. 305. Deposits and forfeitures. | .24 |
| Sec. 306. Working capital fund. | .24 |
| Sec. 307. Studies, cooperative agreements, and contributions. | .25 |
| Sec. 308. Contracts for surveys and resource protection. | .25 |
| Sec. 309. Advisory councils and public participation. | .25 |
| Sec. 310. Rules and regulations. | .26 |
| Sec. 311. Program report. | .26 |
| Sec. 312. Search and rescue. | .26 |
| Sec. 313. Sunshine in government. | .27 |
| Sec. 314. Recordation of mining claims and abandonment. | .27 |
| Sec. 315. Recordable disclaimers of interest. | .28 |
| Sec. 316. Correction of conveyance documents. | .28 |
| Sec. 317. Mineral revenues. | .28 |
| Sec. 318. Appropriation authorization. | .30 |
| TITLE IV— RANGE MANAGEMENT | |
| Sec. 401. Grazing fees. | .31 |
| Sec. 402. Grazing leases and permits. | .32 |
| Sec. 403. Grazing advisory boards. | .33 |
| Sec. 404. Management of certain horses and burros. | .34 |

TITLE V—RIGHTS-OF-WAY

| | |
|--|-----|
| Sec. 501. Authorization to grant rights-of-way. | .35 |
| Sec. 502. Cost-share road authorization. | .37 |
| Sec. 503. Corridors. | .38 |
| Sec. 504. General provisions. | .38 |
| Sec. 505. Terms and conditions. | .40 |
| Sec. 506. Suspension and termination of rights-of-way. | .40 |
| Sec. 507. Rights-of-way for Federal agencies. | .41 |
| Sec. 508. Conveyance of lands. | .41 |
| Sec. 509. Existing rights-of-way. | .41 |
| Sec. 510. Effect on other laws. | .41 |
| Sec. 511. Coordination of applications. | .42 |

TITLE VI— DESIGNATED MANAGEMENT AREAS

| | |
|--|-----|
| Sec. 601. California desert conservation area. | .43 |
| Sec. 602. King range. | .44 |
| Sec. 603. Bureau of land management wilderness study | .44 |
| 43 U.S.C. 1783. Yaquina Head Outstanding Natural Area. | .45 |
| 43 U.S.C. 1784. Lands in Alaska; designation as wilderness; management by Bureau of Land Management pending congressional action. | .47 |
| 43 U.S.C. 1785. Fossil Forest Research Natural Area. | .47 |

TITLE VII— EFFECT ON EXISTING RIGHTS; REPEAL OF EXISTING LAWS; SEVERABILITY

| | |
|--|-----|
| Sec. 701. Effect on existing rights. | .49 |
| Sec. 702. Repeal of laws relating to homesteading and small tracts. | .50 |
| Sec. 703. Repeal of laws related to disposal. | .52 |
| Sec. 704. Repeal of withdrawal laws. | .54 |
| Sec. 705. Repeal of laws relating to administration of public lands. | .56 |
| Sec. 706. Repeal of laws relating to rights-of-way. | .56 |
| Sec. 707. Severability. | .57 |

| | |
|--|-----|
| Remembering Eleanor Schwartz | .58 |
|--|-----|

| | |
|---|-----|
| A Capsule Examination of the Legislative History of the Federal Land Policy and Management Act of 1976 by <i>Eleanor R. Schwartz</i> | .59 |
|---|-----|

TITLE I

SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS

SHORT TITLE

Sec. 101. [43 U.S.C. 1701 note] This Act may be cited as the “Federal Land Policy and Management Act of 1976”.

DECLARATION OF POLICY

Sec. 102. [43 U.S.C. 1701] (a) The Congress declares that it is the policy of the United States that—

(1) the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;

(2) the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts;

(3) public lands not previously designated for any specific use and all existing classifications of public lands that were effected by executive action or statute before the date of enactment of this Act be reviewed in accordance with the provisions of this Act;

(4) the Congress exercise its constitutional authority to withdraw or otherwise designate or dedicate Federal lands for specified purposes and that Congress delineate the extent to which the Executive may withdraw lands without legislative action;

(5) in administering public land statutes and exercising discretionary authority granted by them, the Secretary be required to establish comprehensive rules and regulations after considering the

views of the general public; and to structure adjudication procedures to assure adequate third party participation, objective administrative review of initial decisions, and expeditious decision making;

(6) judicial review of public land adjudication decisions be provided by law;

(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;

(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;

(9) the United States receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute;

(10) uniform procedures for any disposal of public land, acquisition of non-Federal land for public purposes, and the exchange of such lands be established by statute, requiring each disposal, acquisition, and exchange to be consistent with the prescribed mission of the department or agency involved, and reserving to the Congress review of disposals in excess of a specified acreage;

(11) regulations and plans for the protection of public land areas of critical environmental concern be promptly developed;

(12) the public lands be managed in a manner which recognizes the Nation’s need for domestic sources of minerals, food, timber, and fiber from

the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a) as it pertains to the public lands; and

(13) the Federal Government should, on a basis equitable to both the Federal and local taxpayer, provide for payments to compensate States and local governments for burdens created as a result of the immunity of Federal lands from State and local taxation.

(b) The policies of this Act shall become effective only as specific statutory authority for their implementation is enacted by this Act or by subsequent legislation and shall then be construed as supplemental to and not in derogation of the purposes for which public lands are administered under other provisions of law.

DEFINITIONS

Sec. 103. [43 U.S.C. 1702] Without altering in any way the meaning of the following terms as used in any other statute, whether or not such statute is referred to in, or amended by, this Act, as used in this Act—

(a) The term “areas of critical environmental concern” means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.

(b) The term “holder” means any State or local governmental entity, individual, partnership, corporation, association, or other business entity receiving or using a right-of-way under title V of this Act.

(c) The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in

use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(d) The term “public involvement” means the opportunity for participation by affected citizens in rule making, decision making, and planning with respect to the public lands, including public meetings or hearings held at locations near the affected lands, or advisory mechanisms, or such other procedures as may be necessary to provide public comment in a particular instance.

(e) The term “public lands” means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except—

(1) lands located on the Outer Continental Shelf; and

(2) lands held for the benefit of Indians, Aleuts, and Eskimos.

(f) The term “right-of-way” includes an easement, lease, permit, or license to occupy, use, or traverse public lands granted for the purpose listed in title V of this Act.

(g) The term “Secretary,” unless specifically designated otherwise, means the Secretary of the Interior.

(h) The term “sustained yield” means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.

(i) The term “wilderness” as used in section 603 shall have the same meaning as it does in section 2(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136).

(j) The term “withdrawal” means withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land, other than “property” governed by the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472) from one department, bureau or agency to another department, bureau or agency.

(k) An “allotment management plan” means a document prepared in consultation with the lessees or permittees involved, which applies to livestock operations on the public lands or on lands within National Forests in the eleven contiguous Western States and which:

(1) prescribes the manner in, and extent to, which livestock operations will be conducted in order to meet the multiple-use, sustained-yield, economic and other needs and objectives as determined for the lands by the Secretary concerned; and

(2) describes the type, location, ownership, and general specifications for the range improvements to be installed and maintained on the lands to meet the livestock grazing and other objectives of land management; and

(3) contains such other provisions relating to livestock grazing and other objectives found by the Secretary concerned to be consistent with the provisions of this Act and other applicable law.

(1) The term “principal or major uses” includes, and is limited to, domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production.

(m) The term “department” means a unit of the executive branch of the Federal Government which is headed by a member of the President’s Cabinet and the term “agency” means a unit of the executive branch of the Federal Government which is not under the jurisdiction of a head of a department.

(n) The term “Bureau” means the Bureau of Land Management.

(o) The term “eleven contiguous Western States” means the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(p) The term “grazing permit and lease” means any document authorizing use of public lands or lands in National Forests in the eleven contiguous Western States for the purpose of grazing domestic livestock.

[The term “sixteen contiguous Western States,” where changed by P.L. 95-514, refers to: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming. This term is defined by P.L. 95-514 and found in sections 401(b)(1), 402(a) and 403(a).]