

PUBLIC LANDS

Federal Land Policy and Management Act 43 U.S.C. §§1701-1736, 1737-1782

Congressional declaration of policy

It is the policy of the United States that the public lands be retained in **federal ownership**, unless disposal of a particular parcel would be in the national interest. [FLPMA §102(a)(1)]

It is the policy of the United States that the public lands be managed to protect scientific, scenic, historical, ecological, and environmental values; to protect, when appropriate, certain public lands in their natural condition; and to provide wildlife habitats and outdoor recreation for humans. [FLPMA §102(a)(8)]

It is the policy of the United States that the federal government receive **fair market value** for the use of the public lands and their resources unless otherwise provided for by the Act. [FLPMA §102(a)(9)]

Definitions

“**Multiple use**” means generally a combination of balanced and diverse resource uses that will best meet the needs of present and future Americans, and that takes into account the long-term needs of future generations, including recreation; range; timber; minerals; watershed; wildlife and fish; and natural, scenic, and scientific values. [FLPMA §103(c)]

“**Public lands**” refers generally to lands owned by the federal government and administered by the Department of the Interior through the Bureau of Land Management (BLM). [FLPMA §103(e)]

“**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. [FLPMA §103(h)]

“**Withdrawal**” means withholding an area of public land from settlement, sale, location, or entry under the general land laws in order to maintain other public values in the area or to reserve an area for a particular purpose or program. “Withdrawal” may also mean transferring jurisdiction over an area of federal land from one agency or department to another. [FLPMA §103(j)]

Inventories and land-use plans

The Secretary of the Interior shall prepare and maintain an **inventory** of all public lands and their resource and other values, including outdoor recreation and scenic values. [FLPMA §201(a)]

The Secretary shall develop and maintain **land-use plans** for the public lands. [FLPMA §202(a)] In creat-

ing such plans, the Secretary shall use principles of **multiple use and sustained yield**; use a systematic interdisciplinary approach to integrate consideration of physical, biological, economic, and other sciences; give priority to the designation and protection of areas of critical environmental concern; consider present and potential uses of public lands; consider the relative scarcity of the values involved and the availability of alternative means and sites for realizing those values; weigh long-term benefits to the public against short-term benefits; provide for compliance with federal and state environmental laws; and coordinate federal planning with tribal, state, and local government planning. [FLPMA §202(c)]

The Secretary shall establish procedures to give the public and federal, state, and local governments adequate **notice and opportunity to comment on**, and participate in, the formulation of land-use plans. [FLPMA §202(f)]

Sales of public land tracts

The Secretary may sell a tract of public land (except designated wilderness areas, wild and scenic rivers, or national trails) when the Secretary determines that such tract is difficult or uneconomic to manage as public land, is no longer required for the specific purpose for which it was obtained, or its disposal will serve important public objectives. [FLPMA §203(a)]

Public lands shall be sold for at least their **fair market value**, as determined by the Secretary. [FLPMA §203(d)]

The Secretary will develop **competitive bidding procedures** for sales of public lands. However, the Secretary may make sales under a noncompetitive system in order to assure equitable distribution among purchasers, or to recognize equitable considerations or public policies. The Secretary may, on the basis of public policy, give preference to such potential buyers as state and local governments and adjoining landowners. [FLPMA §203(f)]

Withdrawals of public lands

The Secretary is authorized to make, modify, extend, or revoke **withdrawals** of public lands, but only in accordance with the Act’s provisions and limitations. [FLPMA §204(a)]

The Act establishes procedures that must be followed in withdrawals of public lands, including emergency withdrawals when extraordinary measures must

be taken to preserve values that would otherwise be lost. [FLPMA §204(c)-(e)]

The Secretary cannot make, modify, or revoke any withdrawal created by Congress. [FLPMA §204(j)]

The Secretary shall conduct a review of existing withdrawals and possible extensions, and report to Congress. [FLPMA §204(l)]

Acquisitions

The Secretary is authorized to acquire public lands by purchase, exchange, donation, or eminent domain. [FLPMA §205(a)]

The Secretary may exercise the power of **eminent domain** only if necessary to secure access to public lands. The acquisition must be as limited as possible to serve such purpose. [FLPMA §205(a)]

Exchanges

The Secretary may dispose of public lands (or the Secretary of Agriculture may dispose of National Forest System lands) by exchange when the Secretary concerned determines that the public interest will be well served by making the exchange. The Secretary concerned must weigh the multiple uses of the lands to be conveyed against those of the lands to be acquired. [FLPMA §206]

Management of use, occupancy, and development of public lands

The Secretary shall manage the public lands under principles of **multiple use and sustained yield**, in accordance with the land-use plans developed under §202 of this Act. [FLPMA §302(a)]

The Secretary shall regulate the use and development of the public lands through easements, permits, leases, licenses, published rules, or other instruments. [FLPMA §302(b)]

The Secretary shall take any action necessary to prevent **unnecessary or undue degradation** of the public lands. [FLPMA §302(b)]

Enforcement

The Secretary shall issue regulations necessary to implement the Act's provisions concerning the use, management, and protection of the public lands. [FLPMA §303(a)]

Civil and criminal penalties are available for various violations. [FLPMA §303(a), (b)]

Range management

The Secretary of the Interior and the Secretary of Agriculture shall determine the value of grazing on the public lands under their jurisdiction in the 11 western states and recommend to Congress a reasonable **grazing fee** schedule. [FLPMA §401(a)]

Grazing permits and leases issued by the Secretary of

the Interior (or by the Secretary of Agriculture for rangelands within the National Forest System) shall generally be for a term of 10 years. [FLPMA §402(a)]

Permittees and lessees who are in compliance with applicable regulations, terms, and conditions shall be given first priority for renewal of expiring permits or leases. [FLPMA §402(c)]

Grazing permits may incorporate a grazing **allotment management plan** developed by the Secretary concerned. [FLPMA §402(d)]

Allotment management plans shall be tailored to the specific conditions of the covered land, and shall be developed in consultation with the permittees, lessees, landowners, grazing advisory boards, and states involved. [FLPMA §402(d)]

When there is no applicable allotment management plan, the Secretary concerned shall incorporate in grazing fees and permits any terms or conditions appropriate for management of the lands under applicable law. The Secretary concerned shall specify the numbers of animals to be grazed and the seasons of use, and may readjust conditions at any time. [FLPMA §402(e)]

When a permit or lease is cancelled in order to devote the lands to another public purpose, the holder may receive from the United States reasonable compensation for the interest in any authorized permanent improvements that had been placed on the land. [FLPMA §402(g)]

The Act provides for the establishment of **grazing advisory boards**, with members elected from among lessees and permittees, to make recommendations concerning the development of allotment management plans and the use of federal funds (derived from grazing fees) distributed for range betterment projects. [FLPMA §403]

Rights-of-way

The Act establishes procedures governing the granting and issuance of **rights-of-way** over, under, or through public lands for water projects; pipelines for oil, gas, and solid materials; power and communications systems; and means of transportation. [FLPMA §501(a)] The Act also establishes procedures governing the suspension or termination of rights-of-way due to abandonment or noncompliance with applicable regulations. [FLPMA §506]

The Secretary of Agriculture shall issue **permanent easements** for certain water systems that traverse national forest lands. [FLPMA §501(c)]

Timber or other vegetation may not be removed from a right-of-way without authorization pursuant to applicable laws or for emergency repair work to water systems. [FLPMA §504(f)]

The holder shall pay in advance the **fair market**

value of the right-of-way as determined by the Secretary concerned, unless such rent is waived by the Secretary. [FLPMA §504(g)]

Each right-of-way shall be designed to minimize damage to the environment and public health. [FLPMA §504(a)]

Wilderness and Study Areas

The Secretary shall review certain **roadless areas** within the BLM's jurisdiction for their suitability as **wilderness** and report to the President by 1997 with a recommendation. [FLPMA §603]