

Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Public Rangelands Improvement Act of 1978, referred to in subsec. (d), is Pub. L. 95-514, Oct. 25, 1978, 92 Stat. 1803, which is classified principally to chapter 37 (§1901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

This Act, referred to in subsec. (j), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

2014—Subsec. (c). Pub. L. 113-291, §3023(1), designated existing provisions as par. (1) and inserted heading, substituted “During any period in which” for “So long as”, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, and added pars. (2) to (4).

Subsecs. (h) to (j). Pub. L. 113-291, §3023(2), (3), added subsecs. (h) and (i) and redesignated former subsec. (h) as (j).

1978—Subsec. (a). Pub. L. 95-514, §7(b), substituted “sixteen contiguous Western States” for “eleven contiguous Western States”.

Subsec. (b)(3). Pub. L. 95-514, §7(a), inserted provision that absence of completed land use plans or court ordered environmental statements shall not be the sole basis for establishing a term shorter than ten years unless information therein would be necessary to determine whether a shorter term should be established for any of the specified reasons.

Subsec. (d). Pub. L. 95-514, §8(a), struck out “, with the exceptions authorized in subsection (e) of this section, on and after October 1, 1988,” after “pursuant to this section” and inserted provisions prohibiting any requirements for completion of court ordered environmental impact statements prior to development and incorporation of allotment plans from being superseded by subsec. (d), providing for careful and considered consultation, cooperation, and coordination with certain persons, including landowners involved, district grazing advisory boards and States having lands within the covered area and for tailoring allotment management plans to the specific range condition of the covered area and periodic review thereof, authorizing the Secretary to terminate or develop the plans after review and careful and considered consultation, cooperation, and coordination with the parties involved, and defining “court ordered environmental impact statement” and “range condition”.

Subsec. (e). Pub. L. 95-514, §8(b), substituted introductory word “In” for “Prior to October 1, 1988, or thereafter, in”.

#### GRAZING PERMIT RENEWALS

Pub. L. 108-108, title III, §325, Nov. 10, 2003, 117 Stat. 1308, provided in part: “That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every two years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries’ budget proposals”.

#### APPEALS OF REDUCTIONS IN GRAZING ALLOTMENTS ON PUBLIC RANGELAND; TIME; EFFECTIVE DATE OF REDUCTIONS; SUSPENSION PENDING FINAL ACTION ON APPEAL

Provisions requiring appeals of reductions in grazing allotments on public rangelands to be taken within a

certain time period; providing that reductions of up to 10 per centum in grazing allotments are effective when so designated by the Secretary; suspending proposed reductions in excess of 10 per centum pending final action on appeals; and requiring final action on appeals to be completed within 2 years of filing of the appeal were contained in the following appropriation acts:

Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1378.  
 Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 993.  
 Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1917.  
 Pub. L. 101-121, title I, Oct. 23, 1989, 103 Stat. 704.  
 Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1776.  
 Pub. L. 100-202, §101(g) [title I], Dec. 22, 1987, 101 Stat. 1329-213, 1329-216.  
 Pub. L. 99-500, §101(h) [title I], Oct. 18, 1986, 100 Stat. 1783-242, 1783-245, and Pub. L. 99-591, §101(h) [title I], Oct. 30, 1986, 100 Stat. 3341-242, 3341-245.  
 Pub. L. 99-190, §101(d) [title I], Dec. 19, 1985, 99 Stat. 1224, 1226.  
 Pub. L. 98-473, title I, §101(c) [title I], Oct. 12, 1984, 98 Stat. 1837, 1840.  
 Pub. L. 98-146, title I, Nov. 4, 1983, 97 Stat. 921.  
 Pub. L. 97-394, title I, Dec. 30, 1982, 96 Stat. 1968.  
 Pub. L. 97-100, title I, Dec. 23, 1981, 95 Stat. 1393.  
 Pub. L. 96-514, title I, Dec. 12, 1980, 94 Stat. 2959.  
 Pub. L. 96-126, title I, Nov. 27, 1979, 93 Stat. 956.

#### § 1753. Grazing advisory boards

##### (a) Establishment; maintenance

For each Bureau district office and National Forest headquarters office in the sixteen contiguous Western States having jurisdiction over more than five hundred thousand acres of lands subject to commercial livestock grazing (hereinafter in this section referred to as “office”), the Secretary and the Secretary of Agriculture, upon the petition of a simple majority of the livestock lessees and permittees under the jurisdiction of such office, shall establish and maintain at least one grazing advisory board of not more than fifteen advisers.

##### (b) Functions

The function of grazing advisory boards established pursuant to this section shall be to offer advice and make recommendations to the head of the office involved concerning the development of allotment management plans and the utilization of range-betterment funds.

##### (c) Appointment and terms of members

The number of advisers on each board and the number of years an adviser may serve shall be determined by the Secretary concerned in his discretion. Each board shall consist of livestock representatives who shall be lessees or permittees in the area administered by the office concerned and shall be chosen by the lessees and permittees in the area through an election prescribed by the Secretary concerned.

##### (d) Meetings

Each grazing advisory board shall meet at least once annually.

##### (e) Federal Advisory Committee Act applicability

Except as may be otherwise provided by this section, the provisions of the Federal Advisory Committee Act (86 Stat. 770) shall apply to grazing advisory boards.

##### (f) Expiration date

The provisions of this section shall expire December 31, 1985.

(Pub. L. 94-579, title IV, §403, Oct. 21, 1976, 90 Stat. 2775; Pub. L. 95-514, §10, Oct. 25, 1978, 92 Stat. 1808.)

## REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

## AMENDMENTS

1978—Subsec. (a). Pub. L. 95-514 substituted “sixteen contiguous Western States” for “eleven contiguous Western States”.

## SUBCHAPTER V—RIGHTS-OF-WAY

**§ 1761. Grant, issue, or renewal of rights-of-way****(a) Authorized purposes**

The Secretary, with respect to the public lands (including public lands, as defined in section 1702(e) of this title, which are reserved from entry pursuant to section 24 of the Federal Power Act (16 U.S.C. 818)) and, the Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for—

(1) reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water;

(2) pipelines and other systems for the transportation or distribution of liquids and gases, other than water and other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, and for storage and terminal facilities in connection therewith;

(3) pipelines, slurry and emulsion systems, and conveyor belts for transportation and distribution of solid materials, and facilities for the storage of such materials in connection therewith;

(4) systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the Federal Energy Regulatory Commission under the Federal Power Act, including part 1<sup>1</sup> thereof (41 Stat. 1063, 16 U.S.C. 791a-825r).;<sup>2</sup>

(5) systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication;

(6) roads, trails, highways, railroads, canals, tunnels, tramways, airways, livestock driveways, or other means of transportation except where such facilities are constructed and maintained in connection with commercial recreation facilities on lands in the National Forest System; or

(7) such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, under, or through such lands.

**(b) Procedures applicable; administration**

(1) The Secretary concerned shall require, prior to granting, issuing, or renewing a right-

of-way, that the applicant submit and disclose those plans, contracts, agreements, or other information reasonably related to the use, or intended use, of the right-of-way, including its effect on competition, which he deems necessary to a determination, in accordance with the provisions of this Act, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in the right-of-way.

(2) If the applicant is a partnership, corporation, association, or other business entity, the Secretary concerned, prior to granting a right-of-way<sup>3</sup> pursuant to this subchapter, shall require the applicant to disclose the identity of the participants in the entity, when he deems it necessary to a determination, in accordance with the provisions of this subchapter, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in the right-of-way. Such disclosures shall include, where applicable: (A) the name and address of each partner; (B) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote; and (C) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(3) The Secretary of Agriculture shall have the authority to administer all rights-of-way granted or issued under authority of previous Acts with respect to lands under the jurisdiction of the Secretary of Agriculture, including rights-of-way granted or issued pursuant to authority given to the Secretary of the Interior by such previous Acts.

**(c) Permanent easement for water systems; issuance, preconditions, etc.**

(1) Upon receipt of a written application pursuant to paragraph (2) of this subsection from an applicant meeting the requirements of this subsection, the Secretary of Agriculture shall issue a permanent easement, without a requirement for reimbursement, for a water system as described in subsection (a)(1) of this section, traversing Federal lands within the National Forest System (“National Forest Lands”), constructed and in operation or placed into operation prior to October 21, 1976, if—

(A) the traversed National Forest lands are in a State where the appropriation doctrine governs the ownership of water rights;

(B) at the time of submission of the application the water system is used solely for agricultural irrigation or livestock watering purposes;

(C) the use served by the water system is not located solely on Federal lands;

<sup>1</sup> So in original. Probably should be part “1”.

<sup>2</sup> So in original. The period preceding the semicolon probably should not appear.

<sup>3</sup> So in original. Probably should be “right-of-way”.