

§ 1465. Appeals to the Secretary

(a) Notice

Not later than 30 days after the date of the filing of an appeal to the Secretary of a consistency determination under section 1456 of this title, the Secretary shall publish an initial notice in the Federal Register.

(b) Closure of record

(1) In general

Not later than the end of the 160-day period beginning on the date of publication of an initial notice under subsection (a), except as provided in paragraph (3), the Secretary shall immediately close the decision record and receive no more filings on the appeal.

(2) Notice

After closing the administrative record, the Secretary shall immediately publish a notice in the Federal Register that the administrative record has been closed.

(3) Exception

(A) In general

Subject to subparagraph (B), during the 160-day period described in paragraph (1), the Secretary may stay the closing of the decision record—

(i) for a specific period mutually agreed to in writing by the appellant and the State agency; or

(ii) as the Secretary determines necessary to receive, on an expedited basis—

(I) any supplemental information specifically requested by the Secretary to complete a consistency review under this chapter; or

(II) any clarifying information submitted by a party to the proceeding related to information in the consolidated record compiled by the lead Federal permitting agency.

(B) Applicability

The Secretary may only stay the 160-day period described in paragraph (1) for a period not to exceed 60 days.

(c) Deadline for decision

(1) In general

Not later than 60 days after the date of publication of a Federal Register notice stating when the decision record for an appeal has been closed, the Secretary shall issue a decision or publish a notice in the Federal Register explaining why a decision cannot be issued at that time.

(2) Subsequent decision

Not later than 15 days after the date of publication of a Federal Register notice explaining why a decision cannot be issued within the 60-day period, the Secretary shall issue a decision.

(Pub. L. 89-454, title III, §319, as added Pub. L. 104-150, §8, June 3, 1996, 110 Stat. 1382; amended Pub. L. 109-58, title III, §381, Aug. 8, 2005, 119 Stat. 737.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(3)(A)(ii)(I), was in the original “this Act” which was translated as

reading “this title”, meaning title III of Pub. L. 89-454 which is classified generally to this chapter, to reflect the probable intent of Congress.

AMENDMENTS

2005—Pub. L. 109-58 amended section catchline and text generally, substituting provisions relating to notice, closure of record, and deadline for decision for provisions relating to notice, deadline for decision, and application of section.

§ 1466. Appeals relating to offshore mineral development

For any Federal administrative agency proceeding that is an appeal or review under section 319 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465) related to any Federal authorization for the permitting, approval, or other authorization of an energy project, the lead Federal permitting agency for the project shall, with the cooperation of Federal and State administrative agencies, maintain a consolidated record of all decisions made or actions taken by the lead agency or by another Federal or State administrative agency or officer. Such record shall be the initial record for appeals or reviews under that Act, provided that the record may be supplemented as expressly provided pursuant to section 319 of that Act.

(Pub. L. 109-58, title III, §382, Aug. 8, 2005, 119 Stat. 738.)

REFERENCES IN TEXT

The Coastal Zone Management Act of 1972, referred to in text, is title III of Pub. L. 89-454, as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to this chapter (§1451 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1451 of this title and Tables.

CODIFICATION

Section was enacted as part of the Energy Policy Act of 2005, and not as part of the Coastal Zone Management Act of 1972 which comprises this chapter.

CHAPTER 34—RURAL ENVIRONMENTAL CONSERVATION PROGRAM

§§ 1501 to 1508. Repealed. Pub. L. 104-127, title III, §336(d)(1), Apr. 4, 1996, 110 Stat. 1006

Section 1501, Pub. L. 91-524, title X, §1001, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 241; amended Pub. L. 93-125, §1(g)(i), Oct. 18, 1973, 87 Stat. 450; Pub. L. 99-198, title XIII, §1318(b)(2), Dec. 23, 1985, 99 Stat. 1531, related to establishment and purpose of program, contracting and purchasing authority of Secretary, and maintenance of continuing and stable supply of agricultural commodities and forest products.

Section 1502, Pub. L. 91-524, title X, §1002, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 242, required eligible landowners and operators to furnish plan of farming operations or land use to Secretary.

Section 1503, Pub. L. 91-524, title X, §1003, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 242; amended Pub. L. 93-125, §1(g)(i), Oct. 18, 1973, 87 Stat. 450, related to approved conservation plans as basis for contracts, duties under contracts, and termination or modification of contracts.

Section 1504, Pub. L. 91-524, title X, §1004, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 243, authorized furnishing of conservation materials to eligible owners and operators.

Section 1505, Pub. L. 91-524, title X, §1005, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 243; amended

Pub. L. 95-113, title XV, §1509, Sept. 29, 1977, 91 Stat. 1022, authorized establishment of multiyear set-aside contracts.

Section 1506, Pub. L. 91-524, title X, §1006, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 244, authorized issuance of rules and regulations as well as limitations on total retired acreage.

Section 1507, Pub. L. 91-524, title X, §1007, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 244; amended Pub. L. 93-125, §1(g)(ii), Oct. 18, 1973, 87 Stat. 450, directed appointment of advisory boards to assist in development of programs under this chapter.

Section 1508, Pub. L. 91-524, title X, §1008, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 244, directed coordination with and utilization of Federal, State, and local services and facilities to carry out programs and plans.

§ 1509. Repealed. Pub. L. 95-313, §16(a)(7), formerly §13(a)(7), July 1, 1978, 92 Stat. 374; renumbered §16(a)(7), Pub. L. 101-624, title XII, §1215(1), Nov. 28, 1990, 104 Stat. 3525

Section, Pub. L. 91-524, title X, §1009, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 245, set forth provisions relating to establishment, funding requirements, etc., for the forestry incentives program.

EFFECTIVE DATE OF REPEAL

Section repealed effective Oct. 1, 1978, see section 17 of Pub. L. 95-313, set out as an Effective Date note under section 2101 of this title.

§ 1510. Repealed. Pub. L. 104-127, title III, §336(d)(1), Apr. 4, 1996, 110 Stat. 1006

Section, Pub. L. 91-524, title X, §1010, as added Pub. L. 93-86, §1(28), Aug. 10, 1973, 87 Stat. 245; amended Pub. L. 95-313, §16(a)(7), formerly §13(a)(7), July 1, 1978, 92 Stat. 374, renumbered §16(a)(7), Pub. L. 101-624, title XII, §1215(1), Nov. 28, 1990, 104 Stat. 3525, related to authorization of appropriations as well as construction and continuation of programs, contracts, and authorities.

CHAPTER 35—ENDANGERED SPECIES

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§ 1531. Congressional findings and declaration of purposes and policy

(a) Findings

The Congress finds and declares that—

(1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;

(2) other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction;

(3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people;

(4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to—

(A) migratory bird treaties with Canada and Mexico;

(B) the Migratory and Endangered Bird Treaty with Japan;

(C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(D) the International Convention for the Northwest Atlantic Fisheries;

(E) the International Convention for the High Seas Fisheries of the North Pacific Ocean;

(F) the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and

(G) other international agreements; and

(5) encouraging the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards is a key to meeting the Nation's international commitments and to better safeguarding, for the benefit of all citizens, the Nation's heritage in fish, wildlife, and plants.

(b) Purposes

The purposes of this chapter are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

(c) Policy

(1) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this chapter.

(2) It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.

(Pub. L. 93-205, §2, Dec. 28, 1973, 87 Stat. 884; Pub. L. 96-159, §1, Dec. 28, 1979, 93 Stat. 1225; Pub. L. 97-304, §9(a), Oct. 13, 1982, 96 Stat. 1426; Pub. L. 100-478, title I, §1013(a), Oct. 7, 1988, 102 Stat. 2315.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c)(1), was in the original "this Act", meaning Pub. L. 93-205, Dec. 28, 1973, 81 Stat. 884, known as the Endangered Species Act of 1973, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.