

charge the fee for domestic livestock grazing on the public rangelands which Congress finds represents the economic value of the use of the land to the user, and under which Congress finds fair market value for public grazing equals the \$1.23 base established by the 1966 Western Livestock Grazing Survey multiplied by the result of the Forage Value Index (computed annually from data supplied by the Economic Research Service) added to the Combined Index (Beef Cattle Price Index minus the Price Paid Index) and divided by 100: *Provided*, That the annual increase or decrease in such fee for any given year shall be limited to not more than plus or minus 25 per centum of the previous year's fee.

(Pub. L. 95-514, §6(a), Oct. 25, 1978, 92 Stat. 1806.)

EX. ORD. NO. 12548. GRAZING FEES

Ex. Ord. No. 12548, Feb. 14, 1986, 51 F.R. 5985, provided: By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to provide for establishment of appropriate fees for the grazing of domestic livestock on public rangelands, it is ordered as follows:

SECTION 1. *Determination of Fees.* The Secretaries of Agriculture and the Interior are directed to exercise their authority, to the extent permitted by law under the various statutes they administer, to establish fees for domestic livestock grazing on the public rangelands which annually equals the \$1.23 base established by the 1966 Western Livestock Grazing Survey multiplied by the result of the Forage Value Index (computed annually from data supplied by the Statistical Reporting Service) added to the Combined Index (Beef Cattle Price Index minus the Prices Paid Index) and divided by 100; *provided*, that the annual increase or decrease in such fee for any given year shall be limited to not more than plus or minus 25 percent of the previous year's fee, and *provided further*, that the fee shall not be less than \$1.35 per animal unit month.

SEC. 2. *Definitions.* As used in this Order, the term: (a) "Public rangelands" has the same meaning as in the Public Rangelands Improvement Act of 1978 (Public Law 95-514) [this chapter];

(b) "Forage Value Index" means the weighted average estimate of the annual rental charge per head per month for pasturing cattle on private rangelands in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) (computed by the Statistical Reporting Service from the June Enumerative Survey) divided by \$3.65 and multiplied by 100;

(c) "Beef Cattle Price Index" means the weighted average annual selling price for beef cattle (excluding calves) in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) for November through October (computed by the Statistical Reporting Service) divided by \$22.04 per hundred weight and multiplied by 100; and

(d) "Prices Paid Index" means the following selected components from the Statistical Reporting Service's Annual National Index of Prices Paid by Farmers for Goods and Services adjusted by the weights indicated in parentheses to reflect livestock production costs in the Western States: 1. Fuels and Energy (14.5); 2. Farm and Motor Supplies (12.0); 3. Autos and Trucks (4.5); 4. Tractors and Self-Propelled Machinery (4.5); 5. Other Machinery (12.0); 6. Building and Fencing Materials (14.5); 7. Interest (6.0); 8. Farm Wage Rates (14.0); 9. Farm Services (18.0).

SEC. 3. Any and all existing rules, practices, policies, and regulations relating to the administration of the formula for grazing fees in section 6(a) of the Public Rangelands Improvement Act of 1978 [43 U.S.C. 1905] shall continue in full force and effect.

SEC. 4. This Order shall be effective immediately.

RONALD REAGAN.

§ 1906. Authority for cooperative agreements and payments effective as provided in appropriations

Notwithstanding any other provision of this chapter, authority to enter into cooperative agreements and to make payments under this chapter shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 95-514, §9, Oct. 25, 1978, 92 Stat. 1807.)

§ 1907. National Grasslands; exemptions

All National Grasslands are exempted from the provisions of this chapter.

(Pub. L. 95-514, §11, Oct. 25, 1978, 92 Stat. 1808.)

§ 1908. Experimental stewardship program

(a) Scope of program

The Secretaries of Interior and Agriculture are hereby authorized and directed to develop and implement, on an experimental basis on selected areas of the public rangelands which are representative of the broad spectrum of range conditions, trends, and forage values, a program which provides incentives to, or rewards for, the holders of grazing permits and leases whose stewardship results in an improvement of the range condition of lands under permit or lease. Such program shall explore innovative grazing management policies and systems which might provide incentives to improve range conditions. These may include, but need not be limited to—

(1) cooperative range management projects designed to foster a greater degree of cooperation and coordination between the Federal and State agencies charged with the management of the rangelands and with local private range users,

(2) the payment of up to 50 per centum of the amount due the Federal Government from grazing permittees in the form of range improvement work,

(3) such other incentives as he may deem appropriate.

(b) Report to Congress

No later than December 31, 1985, the Secretaries shall report to the Congress the results of such experimental program, their evaluation of the fee established in section 1905 of this title and other grazing fee options, and their recommendations to implement a grazing fee schedule for the 1986 and subsequent grazing years.

(Pub. L. 95-514, §12, Oct. 25, 1978, 92 Stat. 1808.)

CHAPTER 38—CRUDE OIL TRANSPORTATION SYSTEMS

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(Pub. L. 95-617, title V, § 502, Nov. 9, 1978, 92 Stat. 3157.)

§ 2001. Findings

The Congress finds and declares that—

- (1) a serious crude oil supply shortage may soon exist in portions of the United States;
- (2) a large surplus of crude oil on the west coast of the United States is projected;
- (3) any substantial curtailment of Canadian crude oil exports to the United States could create a severe crude oil shortage in the northern tier States;
- (4) pending the authorization and completion of west-to-east crude oil delivery systems, Alaskan crude oil in excess of west coast needs will be transshipped through the Panama Canal at a high transportation cost;
- (5) national security and regional supply requirements may be such that west-to-east crude delivery systems serving both the northern tier States and inland States, consistent with the requirements of section 410 of the Act approved November 16, 1973 (87 Stat. 594), commonly known as the Trans-Alaska Pipeline Authorization Act, are needed;
- (6) expeditious Federal and State decisions for west-to-east crude oil delivery systems are of the utmost priority; and
- (7) resolution of the west coast crude oil surplus and the need for crude oil in northern tier States and inland States require the assignment and coordination of overall responsibility within the executive branch to permit expedited action on all necessary environmental assessments and decisions on permit applications concerning delivery systems.

(Pub. L. 95-617, title V, § 501, Nov. 9, 1978, 92 Stat. 3157.)

REFERENCES IN TEXT

Section 410 of the Act approved November 16, 1973 (87 Stat. 594), commonly known as the Trans-Alaska Pipeline Authorization Act, referred to in par. (5), is section 410 of Pub. L. 93-153, Nov. 16, 1973, 87 Stat. 594, which is set out as a note under section 1651 of this title.

DEFINITIONS

The definition of “State” in section 2602 of Title 16, Conservation, applies to this section.

§ 2002. Statement of purposes

The purposes of this chapter are—

- (1) to provide a means for—
 - (A) selecting delivery systems to transport Alaskan and other crude oil to northern tier States and inland States, and
 - (B) resolving both the west coast crude oil surplus and the crude oil supply problems in the northern tier States;
- (2) to provide an expedited procedure for acting on applications for all Federal permits, licenses, and approvals required for the construction and operation or any transportation system approved under this chapter and the Long Beach-Midland project; and
- (3) to assure that Federal decisions with respect to crude oil transportation systems are coordinated with State decisions to the maximum extent practicable.

DEFINITIONS

The definition of “State” in section 2602 of Title 16, Conservation, applies to this section.

§ 2003. Definitions

As used in this chapter—

- (1) The term “northern tier States” means the States of Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Michigan, Wisconsin, Illinois, Indiana, and Ohio.
- (2) The term “inland States” means those States in the United States other than northern tier States and the States of California, Alaska, and Hawaii.
- (3) The term “crude oil transportation system” means a crude oil delivery system (including the location of such system) for transporting Alaskan and other crude oil to northern tier States and inland States, but such term does not include the Long Beach-Midland project.
- (4) The term “Long Beach-Midland project” means the crude oil delivery system which was the subject of, and is generally described in, the “Final Environmental Impact Statement, Crude Oil Transportation System: Valdez, Alaska, to Midland, Texas (as proposed by Sohio Transportation Company)”, the availability of which was announced by the Department of the Interior in the Federal Register on June 1, 1977 (42 Fed. Reg. 28008).
- (5) The term “Federal agency” means an Executive agency, as defined in section 105 of title 5.

(Pub. L. 95-617, title V, § 503, Nov. 9, 1978, 92 Stat. 3158.)

DEFINITIONS

The definition of “State” in section 2602 of Title 16, Conservation, applies to this section.

§ 2004. Applications for approval of proposed crude oil transportation systems

The following applications for construction and operation of a crude oil transportation system submitted to the Secretary of the Interior by an applicant are eligible for consideration under this chapter:

- (1) Applications received by the Secretary before the 30th day after November 9, 1978.
- (2) Applications received by the Secretary during the 60-day period beginning on the 30th day after November 9, 1978, if the Secretary determines that consideration and review of the proposal contained in such application is in the national interest and that such consideration and review could be completed within the time limits established under this chapter.

An application under this section may be accepted by the Secretary only if it contains a general description of the route of the proposed system and identification of the applicant and any other person who, at the time of filing, has a financial or other interest in the system or is a party to an agreement under which such person would acquire a financial or other interest in the system.