

### Statutory Notes and Related Subsidiaries

#### 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. Omitted

#### Editorial Notes

##### CODIFICATION

Section, Pub. L. 94-579, title IV, § 403, Oct. 21, 1976, 90 Stat. 2775; Pub. L. 95-514, § 10, Oct. 25, 1978, 92 Stat. 1808, provided for the establishment and maintenance of grazing advisory boards and expired on Dec. 31, 1985.

#### 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

<sup>1</sup> So in original. Probably should be part "I".

<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".