

a penalty assessed pursuant to section 1321(b) of title 33.

(d) Procedures

A civil penalty may be assessed and collected under this section only after notice and opportunity for a hearing on the record in accordance with section 554 of title 5. In any proceeding for the assessment of a civil penalty under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and may promulgate rules for discovery procedures. Any person who requested a hearing with respect to a civil penalty under this subsection and who is aggrieved by an order assessing the civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued.

(e) State law

(1) Nothing in this section shall be construed or interpreted as preempting any State or political subdivision thereof from imposing any additional liability or requirements with respect to the discharge, or threat of discharge, of oil or other pollution by oil.

(2) Nothing in this section shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to discharges of oil.

(Pub. L. 93-153, title II, §207, as added Pub. L. 101-380, title VIII, §8202, Aug. 18, 1990, 104 Stat. 571.)

EFFECTIVE DATE

Section applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as a note under section 2701 of Title 33, Navigation and Navigable Waters.

CHAPTER 35—FEDERAL LAND POLICY AND MANAGEMENT

SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
1701.	Congressional declaration of policy.
1702.	Definitions.
SUBCHAPTER II—LAND USE PLANNING AND LAND ACQUISITION AND DISPOSITION	
1711.	Continuing inventory and identification of public lands; preparation and maintenance.
1712.	Land use plans.
1713.	Sales of public land tracts.
1714.	Withdrawals of lands.
1715.	Acquisitions of public lands and access over non-Federal lands to National Forest System units.
1716.	Exchanges of public lands or interests therein within the National Forest System.
1717.	Qualifications of conveyees.
1718.	Documents of conveyance; terms, covenants, etc.
1719.	Mineral interests; reservation and conveyance requirements and procedures.
1720.	Coordination by Secretary of the Interior with State and local governments.

Sec.	
1721.	Conveyances of public lands to States, local governments, etc.
1722.	Sale of public lands subject to unintentional trespass.
1723.	Temporary revocation authority.

SUBCHAPTER III—ADMINISTRATION

1731.	Bureau of Land Management.
1732.	Management of use, occupancy, and development of public lands.
1733.	Enforcement authority.
1734.	Fees, charges, and commissions.
1734a.	Availability of excess fees.
1735.	Forfeitures and deposits.
1736.	Working capital fund.
1736a.	Revolving fund derived from disposal of salvage timber.
1737.	Implementation provisions.
1738.	Contracts for surveys and resource protection; renewals; funding requirements.
1739.	Advisory councils.
1740.	Rules and regulations.
1741.	Annual reports.
1742.	Search, rescue, and protection forces; emergency situations authorizing hiring.
1743.	Disclosure of financial interests by officers or employees.
1744.	Recordation of mining claims.
1745.	Disclaimer of interest in lands.
1746.	Correction of conveyance documents.
1747.	Loans to States and political subdivisions; purposes; amounts; allocation; terms and conditions; interest rate; security; limitations; forbearance for benefit of borrowers; recordkeeping requirements; discrimination prohibited; deposit of receipts.
1748.	Funding requirements.

SUBCHAPTER IV—RANGE MANAGEMENT

1751.	Grazing fees; feasibility study; contents; submission of report; annual distribution and use of range betterment funds; nature of distributions.
1752.	Grazing leases and permits.
1753.	Grazing advisory boards.

SUBCHAPTER V—RIGHTS-OF-WAY

1761.	Grant, issue, or renewal of rights-of-way.
1762.	Roads.
1763.	Right-of-way corridors; criteria and procedures applicable for designation.
1764.	General requirements.
1765.	Terms and conditions.
1766.	Suspension or termination; grounds; procedures applicable.
1767.	Rights-of-way for Federal departments and agencies.
1768.	Conveyance of lands covered by right-of-way; terms and conditions.
1769.	Existing right-of-way or right-of-use unaffected; exceptions; rights-of-way for railroad and appurtenant communication facilities; applicability of existing terms and conditions.
1770.	Applicability of provisions to other Federal laws.
1771.	Coordination of applications.

SUBCHAPTER VI—DESIGNATED MANAGEMENT AREAS

1781.	California Desert Conservation Area.
1782.	Bureau of Land Management Wilderness Study.
1783.	Yaquina Head Outstanding Natural Area.
1784.	Lands in Alaska; designation as wilderness; management by Bureau of Land Management pending Congressional action.
1785.	Fossil Forest Research Natural Area.
1786.	Piedras Blancas Historic Light Station.

Sec.
1787. Jupiter Inlet Lighthouse Outstanding Natural Area.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1701. Congressional declaration of policy

(a) The Congress declares that it is the policy of the United States that—

(1) the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;

(2) the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts;

(3) public lands not previously designated for any specific use and all existing classifications of public lands that were effected by executive action or statute before October 21, 1976, be reviewed in accordance with the provisions of this Act;

(4) the Congress exercise its constitutional authority to withdraw or otherwise designate or dedicate Federal lands for specified purposes and that Congress delineate the extent to which the Executive may withdraw lands without legislative action;

(5) in administering public land statutes and exercising discretionary authority granted by them, the Secretary be required to establish comprehensive rules and regulations after considering the views of the general public; and to structure adjudication procedures to assure adequate third party participation, objective administrative review of initial decisions, and expeditious decisionmaking;

(6) judicial review of public land adjudication decisions be provided by law;

(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;

(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;

(9) the United States receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute;

(10) uniform procedures for any disposal of public land, acquisition of non-Federal land for public purposes, and the exchange of such lands be established by statute, requiring each disposal, acquisition, and exchange to be consistent with the prescribed mission of the department or agency involved, and reserving to the Congress review of disposals in excess of a specified acreage;

(11) regulations and plans for the protection of public land areas of critical environmental concern be promptly developed;

(12) the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a) as it pertains to the public lands; and

(13) the Federal Government should, on a basis equitable to both the Federal and local taxpayer, provide for payments to compensate States and local governments for burdens created as a result of the immunity of Federal lands from State and local taxation.

(b) The policies of this Act shall become effective only as specific statutory authority for their implementation is enacted by this Act or by subsequent legislation and shall then be construed as supplemental to and not in derogation of the purposes for which public lands are administered under other provisions of law.

(Pub. L. 94-579, title I, § 102, Oct. 21, 1976, 90 Stat. 2744.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1), (3) and (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables.

The Mining and Minerals Policy Act of 1970, referred to in subsec. (a)(12), is Pub. L. 91-631, Dec. 31, 1970, 84 Stat. 1876, which is classified to section 21a of Title 30, Mineral Lands and Mining.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-409, § 1, Aug. 20, 1988, 102 Stat. 1086, provided that: "This Act [enacting section 1723 of this title, amending section 1716 of this title and sections 505a, 505b, and 521b of Title 16, Conservation, and enacting provisions set out as notes under sections 751 and 1716 of this title] may be cited as the 'Federal Land Exchange Facilitation Act of 1988'."

SHORT TITLE

Section 101 of Pub. L. 94-579 provided that: "This Act [enacting this chapter and amending and repealing numerous other laws, which for complete classification, see Tables] may be cited as the 'Federal Land Policy and Management Act of 1976'."

SAVINGS PROVISION

Pub. L. 94-579, title VII, § 701, Oct. 21, 1976, 90 Stat. 2786, provided that:

"(a) Nothing in this Act, or in any amendment made by this Act [see Short Title note above], shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act [Oct. 21, 1976].

"(b) Notwithstanding any provision of this Act, in the event of conflict with or inconsistency between this Act and the Acts of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a-1181j [1181a et seq., see Tables for classification]) and May 24, 1939 (53 Stat. 753), insofar as they relate to management of timber resources, and disposition of revenues from lands and resources, the latter Acts shall prevail.

"(c) All withdrawals, reservations, classifications, and designations in effect as of the date of approval of this Act shall remain in full force and effect until modified under the provisions of this Act or other applicable law.