

TITLE 43 - PUBLIC LANDS
CHAPTER 35 - FEDERAL LAND POLICY AND MANAGEMENT
SUBCHAPTER V - RIGHTS-OF-WAY

§ 1765. Terms and conditions

Each right-of-way shall contain—

- (a) terms and conditions which will
 - (i) carry out the purposes of this Act and rules and regulations issued thereunder;
 - (ii) minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment;
 - (iii) require compliance with applicable air and water quality standards established by or pursuant to applicable Federal or State law; and
 - (iv) require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards; and
- (b) such terms and conditions as the Secretary concerned deems necessary to
 - (i) protect Federal property and economic interests;
 - (ii) manage efficiently the lands which are subject to the right-of-way or adjacent thereto and protect the other lawful users of the lands adjacent to or traversed by such right-of-way;
 - (iii) protect lives and property;
 - (iv) protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and other biotic resources of the area for subsistence purposes;
 - (v) require location of the right-of-way along a route that will cause least damage to the environment, taking into consideration feasibility and other relevant factors; and
 - (vi) otherwise protect the public interest in the lands traversed by the right-of-way or adjacent thereto.

(Pub. L. 94–579, title V, § 505, Oct. 21, 1976, 90 Stat. 2780.)

References in Text

This Act, referred to in par. (a), 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.

Transfer of Functions

See note set out under section 1763 of this title.