§ 1712. Land use plans

(a) Development, maintenance, and revision by Secretary

The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(b) Coordination of plans for National Forest System lands with Indian land use planning and management programs for purposes of development and revision

In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest System with the land use planning and management programs of and for Indian tribes by, among other things, considering the policies of approved tribal land resource management programs.

(c) Criteria for development and revision

In the development and revision of land use plans, the Secretary shall—

(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;

(2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;

(3) give priority to the designation and protection of areas of critical environmental concern;

(4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;

(5) consider present and potential uses of the public lands;

(6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(7) weigh long-term benefits to the public against short-term benefits;

(8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and

(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 460l–4 et seq.], and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs.

In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish
advice to the Secretary with respect to the development and revision of land use plans, land use
guidelines, land use rules, and land use regulations for the public lands within such State and with
respect to such other land use matters as may be referred to them by him. Land use plans of the
Secretary under this section shall be consistent with State and local plans to the maximum extent
he finds consistent with Federal law and the purposes of this Act.

(d) Review and inclusion of classified public lands; review of existing land use plans; modification
and termination of classifications

Any classification of public lands or any land use plan in effect on October 21, 1976, is subject to
review in the land use planning process conducted under this section, and all public lands, regardless
of classification, are subject to inclusion in any land use plan developed pursuant to this section. The
Secretary may modify or terminate any such classification consistent with such land use plans.

(e) Management decisions for implementation of developed or revised plans

The Secretary may issue management decisions to implement land use plans developed or revised under
this section in accordance with the following:

(1) Such decisions, including but not limited to exclusions (that is, total elimination) of one
or more of the principal or major uses made by a management decision shall remain subject to
reconsideration, modification, and termination through revision by the Secretary or his delegate,
under the provisions of this section, of the land use plan involved.

(2) Any management decision or action pursuant to a management decision that excludes (that is,
totally eliminates) one or more of the principal or major uses for two or more years with respect
to a tract of land of one hundred thousand acres or more shall be reported by the Secretary to the
House of Representatives and the Senate. If within ninety days from the giving of such notice
(exclusive of days on which either House has adjourned for more than three consecutive days), the
Congress adopts a concurrent resolution of nonapproval of the management decision or action, then
the management decision or action shall be promptly terminated by the Secretary. If the committee
to which a resolution has been referred during the said ninety day period, has not reported it at the
end of thirty calendar days after its referral, it shall be in order to either discharge the committee
from further consideration of such resolution or to discharge the committee from consideration
of any other resolution with respect to the management decision or action. A motion to discharge
may be made only by an individual favoring the resolution, shall be highly privileged (except that
it may not be made after the committee has reported such a resolution), and debate thereon shall
be limited to not more than one hour, to be divided equally between those favoring and those
opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in
order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the
motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any
other resolution with respect to the same management decision or action. When the committee has
reprinted, or has been discharged from further consideration of a resolution, it shall at any time
thereafter be in order (even though a previous motion to the same effect has been disagreed to) to
move to proceed to the consideration of the resolution. The motion shall be highly privileged and
shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in
order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) Withdrawals made pursuant to section 1714 of this title may be used in carrying out
management decisions, but public lands shall be removed from or restored to the operation of the
Mining Law of 1872, as amended (R.S. 2318–2352; 30 U.S.C. 21 et seq.) or transferred to another
department, bureau, or agency only by withdrawal action pursuant to section 1714 of this title
or other action pursuant to applicable law: Provided, That nothing in this section shall prevent a
wholly owned Government corporation from acquiring and holding rights as a citizen under the
Mining Law of 1872.

(f) Procedures applicable to formulation of plans and programs for public land management
The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.


References in Text

This Act, referred to in subsecs. (a) and (c)(9), 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 Law of 1872, as amended, referred to in subsec. (e)(3), is act May 10, 1872, ch. 152, 17 Stat. 91, as amended, which was incorporated into the Revised Statutes of 1878 as R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of R.S. §§ 2318–2352, see Tables.