

APPENDIX D
EXAMPLES OF REGULATIONS RELATED TO LAND USE CONTROL *

Regulation/Authority	Summary
American Indian Religious Freedom Act, 42 U.S.C. § 1996	Protects and preserves religious freedoms of Native Americans, including access to religious sites and consultation with tribal leadership concerning human burial sites that Federal projects might disturb.
Antiquities Act of 1906, 16 U.S.C. § 431-433	Protects historic and prehistoric ruins and objects of antiquity on Federal lands. Authorizes scientific investigation of antiquities on Federal lands, subject to permits and other regulatory requirements, including paleontological resources.
Archeological and Historic Preservation Act, 16 U.S.C. § 469-469c	Directs Federal agencies to notify the Secretary of the Interior when they find that any Federal construction project or federally licensed activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical, or archeological data. Also funds historical and archeological protection in such projects.
Bald and Golden Eagle Protection Act, 16 U.S.C. § 668	Governs activities and facilities that may threaten protected birds.
Coastal Barrier Resources Act, 16 U.S.C. § 3501 <i>et seq.</i>	Restricts Federal expenditures and financial assistance encouraging development of coastal barriers and habitats.
Coastal Zone Management Act, 16 U.S.C. § 1451-1464; 15 CFR 921-933	Encourages states along oceans and Great Lakes to adopt Coastal Zone Management Plans (CZMP) which require any applicant for a Federal permit to certify that its project is consistent with the state CZMP.
Endangered Species Act, 16 U.S.C. § 1531-1544; 50 CFR 17, 401-424, 450-453	Requires protection of threatened or endangered species by prohibiting activities and facilities that would have an adverse effect on them.
Estuary Protection Act, 16 U.S.C §§ 1221-1226	Requires consideration by states and Federal agencies of the need to protect, conserve, and restore estuaries.

* From DERP-FUDS Program Manual, July 1996.

EXAMPLES OF REGULATIONS RELATED TO LAND USE CONTROL * (cont.)

Regulation/Authority	Summary
Farmland Protection Act, 7 U.S.C. § 4201 <i>et seq.</i>	Requires Federal agencies to consider the effects of programs on farmland and to prevent conversion of farmland to nonagricultural uses.
Federal Land Policy and Management Act, 43 U.S.C. § 1701 <i>et seq.</i>	Governs retention, management, land-use planning, disposal, and acquisition of public lands; requires regulation of use and occupancy of public lands.
Fish and Wildlife Conservation Act, 16 U.S.C. § 2901 <i>et seq.</i>	Provides financial and technical assistance to states for creation and implementation of conservation programs for nongame fish and wildlife and encourages Federal agencies to conserve nongame fish and wildlife.
Fish and Wildlife Coordination Act (FWCA), 16 U.S.C. § 661-666c	Requires persons to consult with Federal and state agencies when modifying, controlling, or impounding a surface water body over 4 hectares in size.
Forest and Rangeland Resources, 16 U.S.C. §§ 1600-1614, 1641-1647, 1671-1676, 1681-1687	Four acts that govern the management, conservation, and utilization of national forest and rangeland renewable resources.
Historic Sites Act, 16 U.S.C. §§ 461-467	Authorizes designation of national historic sites and landmarks and interagency efforts to preserve historic resources.
Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. §§ 1401-1445	Declares that it is national policy to regulate dumping of all types of materials into ocean waters, and to prevent or strictly limit ocean dumping of any material that would adversely affect human health or the marine environment.
Migratory Bird Conservation Act, 16 U.S.C. § 715 <i>et seq.</i>	Establishes Migratory Bird Conservation Commission to recommend for purchase, rental, or acquisition by the Department of the Interior land or water suitable for use for migratory bird conservation.
Migratory Bird Treaty Act, 16 U.S.C. § 703-712	Governs activities that may affect or threaten migratory birds or their habitats.

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EXAMPLES OF REGULATIONS RELATED TO LAND USE CONTROL * (cont.)

Regulation/Authority	Summary
National Historic Preservation Act, 16 U.S.C. § 470-470w-6; 36 CFR 60, 63, 68, 800; Executive Order 11593	Establishes historic preservation as a national priority; protects, rehabilitates, restores, and reconstructs districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or engineering. Section 106 of the NHPA establishes a process to identify conflicts between historic preservation concerns (e.g., properties included on or eligible for the National Register of Historic Places) and Federal undertakings.
Native American Graves Protection and Repatriation Act, 25 U.S.C. § 3001-3013	Prohibits the intentional removal of Native American cultural items from Federal or tribal lands except under an Archeological Resource Protection Act permit and in consultation with the appropriate Native American groups. Requires returning burial remains, associated funerary objects, and objects of cultural patrimony to the appropriate Indian or Native Hawaiian organizations and tribes. Establishes Native American ownership of human remains and associated funerary objects discovered on Federal lands.
Public Buildings Cooperative Use Act, 40 U.S.C. §§ 490, 601a, 606, 611, 612a	Encourages adaptive reuse of historic buildings as administrative facilities for Federal agencies or activities.
Sikes Act, 16 U.S.C. § 670a-670o	Authorizes the Secretary of Defense to carry out a program of planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation on military reservations. Also requires the Departments of the Interior and Agriculture to establish conservation programs on public lands.
Soil and Water Resources Conservation Act	Creates coordinated soil and water conservation program to identify and address long-term national needs.

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EXAMPLES OF REGULATIONS RELATED TO LAND USE CONTROL * (cont.)

Regulation/Authority	Summary
Transportation Equity Act for the 21st Century, 49 U.S.C. §§ 6101 <i>et seq.</i>	Reduces the incidence of damage to underground facilities during excavation through the voluntary adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.
Watershed Protection and Flood Prevention Act (WPFPA), 16 U.S.C. § 1001 <i>et seq.</i> ; 33 U.S.C. § 701-1; Executive Order 11988	Governs reservoir development and stream modification projects including specific wildlife habitat improvements.
Wild and Scenic Rivers Act (WSRA), 16 U.S.C. § 1271 <i>et seq.</i>	Preserves and protects the free-flowing condition of selected rivers. Established a national Wild and Scenic Rivers System.
Wilderness Act, 16 U.S.C. §§ 1131-1136	Establishes a National Wilderness Preservation System and restricts uses of designated wilderness areas.
Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331-1340	Protects from capture, harassment, and death free-roaming horses and burros, and considers them part of the natural system of public lands.

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Directive/ Regulation	Title	Contents/Requirement(s)
DOD Directive 4700.4	Natural Resource Management Program	Sets DOD policy for management and protection of natural resources.
DOD Directive 4710.1	Archeological and Historical Resources Management Program	Establishes DOD policies and procedures for protection and management of archeological and historical resources.
DOD Directive 5100.50	Protection and Enhancement of Environmental Quality	Assigns responsibilities and establishes policies and procedures for protection and enhancement of environmental quality in consonance with Federal policy and other DOD issuances.
DOD Directive 6050.1	Environmental Effects in the United States of DOD Actions	Implements Council on Environmental Quality regulations and provides policy and procedures to enable DOD officials to take into account environmental considerations when considering the authorization or approval of major DOD actions in the United States.
Army Regulation (AR) 200-1	Environmental Protection and Enhancement	Prescribes Army policies, responsibilities, and procedures to protect and preserve the quality of the environment. AR 200-1 is currently being revised.
AR 200-2	Environmental Protection and Enhancement	Contains Army procedures for implementing NEPA.

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