

§ 5463.1

subject to a fine of not more than \$200,000.

[60 FR 50450, Sept. 29, 1995]

Subpart 5463—Expiration of Time for Cutting and Removal

§ 5463.1 Time for cutting and removal.

Time for cutting and removal of timber or other vegetative resources sold shall not exceed a period of thirty-six months except that such time for cutting and removal may be extended as provided in subpart 5473.

[35 FR 9787, June 13, 1970, as amended at 56 FR 33832, July 23, 1991]

PART 5470—CONTRACT MODIFICATION—EXTENSION—ASSIGNMENT

Subpart 5473—Extension of Time for Cutting and Removal

Sec.

5473.1 Application.

5473.4 Approval of request.

5473.4-1 Reappraisal.

Subpart 5474—Contract Assignment

5474.1 Conditions; general.

AUTHORITY: 30 U.S.C. 601; 43 U.S.C. 1181e and 1740.

SOURCE: 35 FR 9787, June 13, 1970, unless otherwise noted.

Subpart 5473—Extension of Time for Cutting and Removal

§ 5473.1 Application.

In order to be considered, written requests for extension shall be delivered to the appropriate BLM office prior to the expiration of the time for cutting and removal.

[57 FR 37477, Aug. 19, 1992]

§ 5473.4 Approval of request.

(a) If the purchaser shows that his delay in cutting or removal was due to causes beyond his control and without his fault or negligence, the contracting officer may grant an extension of time, upon written request by the purchaser. Such extension will not exceed one year, and will require an appraisal, if the delay was not imposed by the

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United States or any State government agency as provided by paragraph (c) of this section. Market fluctuations are not cause for consideration of contract extensions. Additional extensions may be granted upon written request by the purchaser.

(b) Notwithstanding the provisions of paragraph (a) of this section requiring reappraisal if the delay was not imposed by the United States or any State government under paragraph (c) of this section, the contracting officer may grant an extension of time, without reappraisal, not to exceed enough time to provide 30 days of operating time, if the delay was due to causes beyond the purchaser's control and without his fault or negligence. No additional extensions may be granted without reappraisal under the provisions of this paragraph.

(c) On a showing that the purchaser performed as the average prudent operator would be expected to perform in a like time period prior to any delaying event listed in this paragraph, the contracting officer may grant, without reappraisal, an extension of time not to exceed that necessary to provide an additional amount of operating time equal to operating time lost as a result of:

(1) Additional contract requirements incorporated in contract modifications requested by the Government;

(2) Delays necessitated by the requirements for consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act;

(3) Reviews for cultural resource values;

(4) Court injunctions obtained by parties outside the contract; or

(5) Closure of operations by State fire protection agencies due to fire danger.

(d) Upon written request of the purchaser, the State Director may extend a contract to harvest green timber to allow that purchaser to harvest as salvage from Federal lands timber that has been damaged by fire or other natural or man-made disaster. The duration of the extension shall not exceed the time necessary to meet the salvage objectives. The State Director may