

Bureau of Land Management, Interior

§ 2881.2

transfer of interest shall be accompanied by a nonrefundable fee of \$50, except that where a holder assigns more than 1 right-of-way grant as part of a single action, the authorized officer, due to economies of scale, may set a fee of less than \$50 per assignment.

[44 FR 58129, Oct. 9, 1979, as amended at 52 FR 25821, July 8, 1987]

§ 2881.1-2 Nature of temporary use permit interest.

(a) A temporary use permit does not grant any interest in land and is revocable at will by the authorized officer.

(b) The area covered by a temporary use permit shall be no greater than is necessary to accommodate the authorized use or to protect the environment or provide for public safety.

(c) The duration of a temporary use permit shall be determined by the authorized officer in a manner that is consistent with construction activities, and is not to exceed that length of time needed to accomplish the purpose for which the permit is sought. The term of a temporary use permit shall not exceed 3 years subject to the provisions of this section.

(d) A temporary use permit may be renewed at the discretion of the authorized officer, but the permittee has no right of renewal. The authorized officer may modify the terms and conditions of the temporary use permit at the time of renewal.

(e) A temporary use permit may be assigned at the discretion of the authorized officer, provided the use for which the permit was issued continues.

§ 2881.1-3 Reservation of rights to the United States.

All rights in Federal lands subject to a right-of-way grant or temporary use permit not expressly granted are retained by the United States. These rights include, but are not limited to:

(a) A continuing right of access across right-of-way and temporary use permit areas to all Federal lands (including the subsurface and air space);

(b) A continuing right of physical entry to any part of the pipeline system for inspection, monitoring, or for any other purpose or reason consistent with any right or obligation of the

United States under any law or regulation; and

(c) The right to make, issue, or grant right-of-way grants, temporary use permits, easements, leases, licenses, contracts, patents, permits and other authorizations to or with third parties for compatible uses on, under, above, or adjacent to the Federal lands subject to a right-of-way grant or temporary use permit.

§ 2881.2 Terms and conditions of interest granted.

(a) An applicant, by accepting a right-of-way grant or a temporary use permit, agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case:

(1) To the extent practicable, all State and Federal laws applicable to the pipeline system construction, operation and maintenance which is authorized and all such additional State and Federal law, along with the implementing regulations, that may be enacted and issued during the term of the grant or permit;

(2) That in the construction, operation and maintenance of the pipeline and related facilities, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex or national origin and all subcontracts shall include an identical provision;

(3) To build and repair roads, fences and trails that may be destroyed or damaged by construction, operation or maintenance of the pipeline and related facilities and to build and maintain suitable crossings for roads and trails that intersect the right-of-way and related facilities; and

(4) To do everything reasonably within his or her power, both independently and upon request of the authorized officer, to prevent and suppress fires on or near the right-of-way and related facilities. This includes making available such construction and maintenance forces as may be reasonably obtained for the suppression of fires.

(b) All right-of-way grants and temporary use permits issued, renewed, or amended under these regulations shall contain such terms, conditions, and