

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

Group 2000—Land Resource Management; General

PART 2090—SPECIAL LAWS AND RULES

Subpart 2091—Segregation and Opening of Lands

Sec.

- 2091.0-1 Purpose.
- 2091.0-3 Authority.
- 2091.0-5 Definitions.
- 2091.0-7 Principles.
- 2091.1 Action on applications and mining claims.
- 2091.2 Segregation and opening resulting from publication of a Notice of Realty Action.
 - 2091.2-1 Segregation.
 - 2091.2-2 Opening.
- 2091.3 Segregation and opening resulting from a proposal or application.
 - 2091.3-1 Segregation.
 - 2091.3-2 Opening.
- 2091.4 Segregation and opening resulting from the allowance of entries, leases, grants or contracts.
 - 2091.4-1 Segregation and opening: Desert-land entries and Indian allotments.
 - 2091.4-2 Segregation and opening: Airport leases and grants.
 - 2091.4-3 Segregation and opening: Carey Act.
- 2091.5 Withdrawals.
 - 2091.5-1 Segregation of lands resulting from withdrawal applications filed on or after October 21, 1976.
 - 2091.5-2 Segregation of lands resulting from withdrawal applications filed prior to October 21, 1976.
 - 2091.5-3 Segregative effect and opening: Emergency withdrawals.
 - 2091.5-4 Segregative effect and opening: Water power withdrawals.
 - 2091.5-5 Segregative effect and opening: Federal Power Act withdrawals.
 - 2091.5-6 Congressional withdrawals and opening of lands.
- 2091.6 Opening of withdrawn lands: General.
- 2091.7 Segregation and opening of lands classified for a specific use.
 - 2091.7-1 Segregative effect and opening: Classifications.
 - 2091.7-2 Segregative effect and opening: Taylor Grazing Act.
- 2091.8 Status of gift lands.
- 2091.9 Segregation and opening resulting from laws specific to Alaska.
 - 2091.9-1 Alaska Native selections.
 - 2091.9-2 Selections by the State of Alaska.

2091.9-3 Lands in Alaska under grazing lease.

Subpart 2094—Special Resource Values; Shore Space

- 2094.0-3 Authority.
- 2094.0-5 Definitions.
- 2094.1 Methods of measuring; restrictions.
- 2094.2 Waiver of 160-rod limitation.

AUTHORITY: 16 U.S.C. 3124; 30 U.S.C. 189; 43 U.S.C. 322, 641, 1201, 1624, 1740.

Subpart 2091—Segregation and Opening of Lands

SOURCE: 52 FR 12175, Apr. 15, 1987, unless otherwise noted.

§ 2091.0-1 Purpose.

The purpose of this subpart is to provide a general restatement of the regulatory provisions in title 43 of the Code of Federal Regulations dealing with the segregation and opening of public lands administered by the Secretary of the Interior through the Bureau of Land Management and summarize the existing procedures covering opening and closing of lands as they relate to the filing of applications. The provisions of this subpart do not replace or supersede any provisions of title 43 covering opening and closing of public lands.

§ 2091.0-3 Authority.

Section 2478 of the Revised Statutes (43 U.S.C. 1201), sections 2275 and 2276 of the Revised Statutes (43 U.S.C. 851, 852), the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*), section 4 of the Act of August 18, 1894, as amended (43 U.S.C. 641 *et seq.*), the Act of March 3, 1877 (43 U.S.C. 321-323), as amended by the Act of March 3, 1891 (43 U.S.C. 231, 321, 323, 325, 327-329), section 4 of the General Allotment Act of February 8, 1887 (25 U.S.C. 334), as amended by the Act of February 28, 1891 (26 Stat. 794) and section 17 of the Act of June 25 1910 (25 U.S.C. 336), the Act of March 20, 1922, as amended (16 U.S.C. 485), the Act of July 7, 1958 (72 Stat. 339-340), the Act of January 21, 1929, as supplemented (43 U.S.C. 852

§ 2091.0-5

43 CFR Ch. II (10-1-04 Edition)

Note), section 24 of the Federal Power Act, as amended (16 U.S.C. 818), section 7 of the Act of June 28, 1934, as amended (43 U.S.C. 315f), the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 *et seq.*) and the Federal Land Policy and Management Act of 1976, as amended, (43 U.S.C. 1701 *et seq.*).

[52 FR 12175, Apr. 15, 1987, as amended at 58 FR 60917, Nov. 18, 1993]

§ 2091.0-5 Definitions.

As used in this subpart, the term:

(a) *Authorized officer* means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this subpart.

(b) *Segregation* means the removal for a limited period, subject to valid existing rights, of a specified area of the public lands from the operation of some or all of the public land laws, including the mineral laws, pursuant to the exercise by the Secretary of regulatory authority for the orderly administration of the public lands.

(c) *Land or public lands* means any lands or interest in lands owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except: (1) Lands located on the Outer Continental Shelf; and (2) lands held for the benefit of Indians, Aleuts and Eskimos.

(d) *Mineral laws* means those laws applicable to the mineral resources administered by the Bureau of Land Management. They include, but are not limited to, the mining laws, the mineral leasing laws, the material disposal laws and the Geothermal Steam Act.

(e) *Public lands records* means the Tract Books, Master Title Plats and Historical Indices maintained by the Bureau of Land Management, or automated representation of these books, plats and indices on which are recorded information relating to the status and availability of the public lands. The recorded information may include, but is not limited to, withdrawals, restorations, reservations, openings, classi-

fications applications, segregations, leases, permits and disposals.

(f) *Opening* means the restoration of a specified area of public lands to operation of the public land laws, including the mining laws, and, if appropriate, the mineral leasing laws, the material disposal laws and the Geothermal Steam Act, subject to valid existing rights and the terms and provisions of existing withdrawals, reservations, classifications, and management decisions. Depending on the language in the opening order, an opening may restore the lands to the operation of all or some of the public land laws.

(g) *Opening order* means an order issued by the Secretary or the authorized officer and published in the FEDERAL REGISTER that describes the lands, the extent to which they are restored to operation of the public land laws and the mineral laws, and the date and time they are available for application, selection, sale, location, entry, claim or settlement under those laws.

(h) *Public land laws* means that body of laws dealing with the administration, use and disposition of the public lands, but does not include the mineral laws.

(i) *Revocation* means the cancellation of a Public Land Order, but does not restore public lands to operation of the public land laws.

(j) *Secretary* means the Secretary of the Interior or a secretarial officer subordinate to the Secretary who has been appointed by the President with the advice and consent of the Senate, and to whom has been delegated the authority of the Secretary to perform the duties described in this part as being performed by the *Secretary*.

§ 2091.07 Principles.

(a) Generally, segregated lands are not available for application, selection, sale, location, entry, claim or settlement under the public land laws, including the mining laws, but may be open to the operation of the discretionary mineral leasing laws, the material disposal laws and the Geothermal Steam Act, if so specified in the document that segregates the lands. The segregation is subject to valid existing