

Bureau of Land Management, Interior

§ 9263.1

Subpart 9268—Recreation Programs

- 9268.0-3 Authority.
- 9268.1 Cultural resource management. [Reserved]
- 9268.2 Natural history resource management procedures. [Reserved]
- 9268.3 Recreation management—procedures.
- 9268.4 Visual resource management. [Reserved]
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Subpart 9269—Technical Services

- 9269.0-3 Authority.
- 9269.3 Criminal trespass.
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- 9269.3-3 Minerals management.
- 9269.3-4 Range management.
- 9269.3-5 Timber management.

AUTHORITY: 16 U.S.C. 433; 16 U.S.C. 460J-6a; 16 U.S.C. 670j; 16 U.S.C. 1246(i); 16 U.S.C. 1338; 18 U.S.C. 1851-1861; 18 U.S.C. 3551 *et seq.*; 43 U.S.C. 315(a); 43 U.S.C. 1061, 1063; 43 U.S.C. 1733.

SOURCE: 45 FR 31276, May 12, 1980, unless otherwise noted.

Subpart 9260—Law Enforcement, General

§ 9260.0-1 Purpose.

This part establishes a single regulatory section in title 43 where the law enforcement provisions of all the various public land use regulations can be found.

§ 9260.0-2 Objective.

To provide in a single part a compilation of all criminal violations relating to public lands that appear throughout title 43 of the Code of Federal Regulations.

§ 9260.0-3 Authority.

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733), the Secretary of the Interior is authorized to issue regulations with respect to the management, use, and protection of the public lands, including property located thereon, the violation of which is punishable as a criminal offense. Section 303(c) of the Act authorizes the Secretary to enter into contracts with appropriate local officials having law en-

forcement authority and to authorize Federal personnel to carry out the enforcement of Federal laws and regulations relating to the public lands and their resources. Section 303(d) of the Act authorizes the Secretary to enter into cooperative agreements with State and local regulatory and law enforcement officials for the enforcement of State laws and local ordinances on the public lands. In addition to general authority under FLPMA, other specific authorities are noted where applicable.

§§ 9260.0-4—9260.0-6 [Reserved]

§ 9260.0-7 Penalties.

Any person violating any provision of part 9260 of this title shall be subject to the specific penalties as noted under this part.

Subpart 9261—General Management [Reserved]

Subpart 9262—Land Resource Management

§ 9262.0 Authority.

43 U.S.C. 1732, 1733, 1740, 1761-1771.

[54 FR 25855, June 20, 1989]

§ 9262.1 Penalties for unauthorized use, occupancy, or development of public lands.

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) any person who knowingly and willfully violates the provisions of §§ 2801.3(a), 2812.1-3, 2881.3, or 2920.1-2(a) of this title, by using public lands without the requisite authorization, may be tried before a United States magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both.

[54 FR 25855, June 20, 1989]

Subpart 9263—Minerals Management

§ 9263.1 Operations conducted under the 1872 Mining Law.

See subpart 3809 of this title for law enforcement provisions applicable to

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operations conducted on public lands under the 1872 Mining Law.

[65 FR 70132, Nov. 21, 2000]

Subpart 9264—Range Management

§ 9264.0-3 Authority.

(a) The provisions of this subpart are issued under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) and section 2 of the Taylor Grazing Act of 1934 (43 U.S.C. 315 *et seq.*).

(b) The provisions of § 9264.7 of this title are issued under section 8 of the Wild Free-Roaming Horse and Burro Act of 1971 (16 U.S.C. 1331 *et seq.*).

§ 9264.1 Grazing administration—exclusive of Alaska.

Persons performing the following prohibited acts on public and other lands under Bureau of Land Management control may be subject to criminal penalties under § 9264.1(k) of this title:

(a) Allowing livestock or other privately owned or controlled animals to graze on or be driven across those lands without a permit or lease or in violation of the terms and conditions of a permit or lease, either by exceeding the number of livestock authorized, or by allowing livestock to be on these lands in an area or at a time different from that designated;

(b) Installing, using, maintaining, modifying, and/or removing range improvements without authorization;

(c) Cutting, burning, spraying, destroying, or removing vegetation without authorization;

(d) Damaging or removing United States property without authorization;

(e) Molesting livestock authorized to graze on these lands;

(f) Littering;

(g) Violating any provision of 43 CFR part 4700 concerning the protection and management of wild free-roaming horses and burros;

(h) Violating any Federal or State laws or regulations concerning conservation or protection of natural and cultural resources or the environment including, but not limited to, those relating to air and water quality, protec-

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tion of fish and wildlife, plants, and the use of chemical toxicants;

(i) Interfering with lawful uses or users;

(j) Knowingly or willfully making a false statement or representation in base property certification, grazing applications, and/or amendments thereto;

(k) Penalties. (1) Under section 2 of the Taylor Grazing Act of 1934 (43 U.S.C. 315 *et seq.*), any person who willfully violates the provisions of § 9264.1 of this title or of approved special rules and regulations is punishable by a fine of not more than \$500.

(2) Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), any person who knowingly and willfully violates the provisions of § 9264.1 of this title or of approved special rules and regulations may be brought before a designated United States magistrate and is punishable by a fine of not more than \$1,000 or imprisonment for no more than 12 months, or both.

[45 FR 31276, May 12, 1980, as amended at 47 FR 41713, Sept. 21, 1982]

§ 9264.2 Grazing administration—Alaska; livestock. [Reserved]

§ 9264.3 Grazing administration—Alaska; reindeer. [Reserved]

§ 9264.7 Wild free-roaming horse and burro protection, management, and control.

(a) *Prohibited acts.* In accordance with section 8 of the Wild Free-Roaming Horse and Burro Act (16 U.S.C. 1338), any person who:

(1) Willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the authorized officer, or

(2) Converts a wild free-roaming horse or burro to private use, without authority from the authorized officer, or

(3) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) Processes, or permits to be processed, into commercial products the remains of a wild free-roaming horse or burro, or