

§ 9264.0-3

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-

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

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

Bureau of Land Management, Interior

§ 9265.6

(5) Sells, directly or indirectly, a wild free-roaming horse or burro, or the remains thereof, which have not lost their status as a wild free-roaming horse or burro, or

(6) Uses a wild free-roaming horse or burro for commercial exploitation, or

(7) Causes or is responsible for the inhumane treatment of a wild free-roaming horse or burro, or

(8) Uses a wild free-roaming horse or burro for bucking stock, or

(9) Fails, upon written notice, to produce for inspection by an authorized officer those animals assigned to him for private maintenance under a cooperative agreement, or

(10) Fails to notify the authorized officer of the death of a wild free-roaming horse or burro within 7 days of death pursuant to §4740.4-2(f) of this title, or

(11) Removes or attempts to remove, alters or destroys any official mark identifying a wild horse or burro, or its remains, or

(12) Being the assignee of a wild free-roaming horse or burro, or having charge or custody of the animal, abandons the animal without making arrangements for necessary food, water and shelter, or

(13) Being the assignee of a wild free-roaming horse or burro, or having charge or custody of the animal, fails to diligently pursue in an attempt to capture the escaped animal, or

(14) Accepts for slaughter or destruction a horse or burro bearing an official Bureau of Land Management identification mark, and which is not accompanied by a certificate that title to the animal has been transferred, or

(15) After acceptance of an animal for slaughter or destruction, fails to retain for one year the certificate of title to a horse or burro bearing an official Bureau of Land Management identification mark, or

(16) Willfully violates any provisions of the regulations under §9264.7 of this title shall be subject to a fine of not more than \$2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a U.S. Commissioner or magistrate, designated for that purpose by the court by which he/she was ap-

pointed, in the same manner and subject to the same conditions as provided in section 3401, title 18, U.S.C.

Subpart 9265—Timber and Other Vegetative Resources Management

§ 9265.0-3 Authority.

The provisions of §9265.5 of this title are issued under sections 1852 and 1853 of title 18 U.S.C., and section 1733 of title 43 U.S.C., unless otherwise specified.

[45 FR 31276, May 12, 1980, as amended at 60 FR 50451, Sept. 29, 1995]

§ 9265.4 Sales of forest products, general.

Commission of any of the acts listed in §5462.2 of this title is a violation of Federal regulations and may subject the responsible person(s) to criminal penalties under titles 18 and 43 of the United States Code.

[60 FR 50451, Sept. 29, 1995]

§ 9265.5 Non-sale disposals, general.

Commission of any of the acts listed in §5511.4 of this title is a violation of Federal regulations and may subject the responsible person(s) to criminal penalties under titles 18 and 43 U.S.C.

[60 FR 50451, Sept. 29, 1995]

§ 9265.6 Penalties.

(a) *Sales administration.* Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), any individual who knowingly and willfully commits the prohibited acts under §5462.2(b) of this title is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$100,000 in accordance with the applicable provisions of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 *et seq.*), or imprisonment not to exceed 12 months, or both, for each offense, and any organization that commits these prohibited acts is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$200,000, or not more than \$500,000 if commission of the prohibited acts results in death.