

## Bureau of Land Management, Interior

## § 2885.16

### § 2885.12 What rights does a grant or TUP convey?

The grant or TUP conveys to you only those rights which it expressly contains. BLM issues it subject to the valid existing rights of others, including the United States. Rights which the grant or TUP conveys to you include the right to:

- (a) Use the described lands to construct, operate, maintain, and terminate facilities within the right-of-way or TUP area for authorized purposes under the terms and conditions of the grant or TUP;
- (b) Allow others to use the land as your agent in the exercise of the rights that the grant or TUP specifies;
- (c) Do minor trimming, pruning, and removing of vegetation to maintain the right-of-way or TUP area or facility;
- (d) Use common varieties of stone and soil which are necessarily removed during construction of the pipeline, without additional BLM authorization or payment, in constructing the pipeline within the authorized right-of-way or TUP area; and
- (e) Assign the grant or TUP to another, provided that you obtain BLM's prior written approval.

### § 2885.13 What rights does the United States retain?

The United States retains and may exercise any rights the grant or TUP does not expressly convey to you. These include the United States' right to:

- (a) Access the lands covered by the grant or TUP at any time and enter any facility you construct on the right-of-way or TUP area. BLM will give you reasonable notice before it enters any facility on the right-of-way or TUP area;
- (b) Require common use of your right-of-way or TUP area, including subsurface and air space, and authorize use of the right-of-way or TUP area for compatible uses. You may not charge for the use of the lands made subject to such additional right-of-way grants;
- (c) Retain ownership of the resources of the land covered by the grant or TUP, including timber and vegetative or mineral materials and any other living or non-living resources. You have

no right to use these resources, except as noted in § 2885.12 of this subpart;

- (d) Determine whether or not your grant is renewable; and
- (e) Change the terms and conditions of your grant or TUP as a result of changes in legislation, regulation, or as otherwise necessary to protect public health or safety or the environment.

### § 2885.14 What happens if I need a right-of-way wider than 50 feet plus the ground occupied by the pipeline and related facilities?

- (a) You may apply to BLM at any time for a right-of-way wider than 50 feet plus the ground occupied by the pipeline and related facilities. In your application you must show that the wider right-of-way is necessary to:
  - (1) Properly operate and maintain the pipeline after you have constructed it;
  - (2) Protect the environment; or
  - (3) Provide for public safety.
- (b) BLM will notify you in writing of its finding(s) and its decision on your application for a wider right-of-way. If the decision is adverse to you, you may appeal it under § 2881.10 of this part.

### § 2885.15 How will BLM charge me rent?

- (a) BLM will charge rent beginning on the first day of the month following the effective date of the grant or TUP through the last day of the month when the grant or TUP terminates. *Example:* If a grant or TUP becomes effective on January 10 and terminates on September 16, the rental period would be February 1 through September 30, or 8 months.
- (b) There are no reductions or waivers of rent for grants or TUPs.
- (c) BLM will set or adjust the annual billing periods to coincide with the calendar year by prorating the rent based on 12 months.
- (d) If you disagree with the rent that BLM charges, you may appeal the decision under § 2881.10 of this part.

### § 2885.16 When do I pay rent?

- (a) You must pay rent for the initial rental period before BLM issues you a grant or TUP.