

Bureau of Land Management, Interior

§ 2920.0-3

that he has paid all charges due the Government thereunder.

(2) A lease may be canceled if the lessee shall fail to comply with any of the provisions of this part or of the lease, or shall devote the lease area primarily to any purpose other than the rearing of fur-bearing animals as authorized. No lease will be canceled until the lessee has been formally notified of such default and such default shall continue for 60 days after service of such notice.

(b) *Removal of improvements and personal property.* (1) Improvements or personal property may not be removed from the lands, except fur-bearing animals disposed of in the regular course of business, unless all moneys due the United States under the lease have been paid. The lessee shall be allowed 90 days from the date of expiration or termination of the lease within which to remove his personal property and such improvements as are not disposed of in the manner set forth in paragraph (b)(2) of this section, which he has a right to remove; if not removed or otherwise disposed of within the said period, such improvements or personal property shall become the property of the United States.

(2) Upon the expiration of the lease or the earlier termination thereof, the authorizing officer may, in his discretion and upon a written petition filed by the lessee within 30 days from the date of such expiration or termination, require the subsequent lease applicant, prior to the execution of a new lease, to agree to compensate the lessee for any improvements of a permanent nature that he may have placed upon the leased area for fur-farming purposes during the period of the lease. If the interested parties are unable to reach an agreement as to the amount of compensation, the amount shall be fixed by the authorizing officer. All such agreements to be effective, must be approved by the authorizing officer. The failure of the subsequent lessee to pay the former lessee in accordance with such agreement will be just cause for cancellation of the lease.

PART 2920—LEASES, PERMITS AND EASEMENTS

Subpart 2920—Leases, Permits and Easements: General Provisions

- Sec.
- 2920.0-1 Purpose.
- 2920.0-3 Authority.
- 2920.0-5 Definitions.
- 2920.0-6 Policy.
- 2920.0-9 Information collection.
- 2920.1 Uses.
- 2920.1-1 Authorized use.
- 2920.1-2 Unauthorized use.
- 2920.2 Procedures for public-initiated land use proposals.
- 2920.2-1 Discussion of proposals.
- 2920.2-2 Minimum impact permits.
- 2920.2-3 Other land use proposals.
- 2920.2-4 Proposal content.
- 2920.2-5 Proposal review.
- 2920.3 Bureau of Land Management initiated land use proposals.
- 2920.4 Notice of realty action.
- 2920.5 Application procedure.
- 2920.5-1 Filing of applications for land use authorizations.
- 2920.5-2 Application content.
- 2920.5-3 Application review.
- 2920.5-4 Competitive or non-competitive bids.
- 2920.5-5 Application processing.
- 2920.6 Reimbursement of costs.
- 2920.7 Terms and conditions.
- 2920.8 Fees.
- 2920.9 Supervision of the land use authorization.
- 2920.9-1 Construction phase.
- 2920.9-2 Operation and maintenance.
- 2920.9-3 Termination and suspension.

AUTHORITY: 43 U.S.C. 1740.

SOURCE: 46 FR 5777, Jan. 19, 1981, unless otherwise noted.

Subpart 2920—Leases, Permits and Easements: General Provisions

§ 2920.0-1 Purpose.

The purpose of the regulations in this part is to establish procedures for the orderly and timely processing of proposals for non-Federal use of the public lands. The procedural and informational requirements set by these regulations vary in relation to the nature of the anticipated use.

§ 2920.0-3 Authority.

Sections 302, 303 and 310 of the Federal Land Policy and Management Act

§ 2920.0-5

43 CFR Ch. II (10-1-06 Edition)

of 1976 (43 U.S.C. 1732, 1733, 1740) authorize the Secretary of the Interior to issue regulations providing for the use, occupancy, and development of the public lands through leases, permits, and easements.

[52 FR 49115, Dec. 29, 1987]

§ 2920.0-5 Definitions.

As used in this part, the term:

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

(b) *Easement* means an authorization for a non-possessory, non-exclusive interest in lands which specifies the rights of the holder and the obligation of the Bureau of Land Management to use and manage the lands in a manner consistent with the terms of the easement.

(c) *Lease* means an authorization to possess and use public lands for a fixed period of time.

(d) *Permit* means a short-term revocable authorization to use public lands for specified purposes.

(e) *Land use proposal* means an informal statement, in writing, from any person to the authorized officer requesting consideration of a specified use of the public lands.

(f) *Land use plan* means resource management plans or management framework plans prepared by the Bureau of Land Management pursuant to its land use planning system.

(g) *Public lands* means lands or interests in lands administered by the Bureau of Land Management, except lands located on the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts and Eskimos.

(h) *Person* means any person or entity legally capable of conveying and holding lands or interests therein, under the laws of the State within which the lands or interests therein are located, who is a citizen of the United States, or in the case of a corporation, is subject to the laws of any State or of the United States.

(i) *Proponent* means any person who submits a land use proposal, either on his/her own initiative or in response to a notice for submission of such proposals.

(j) *Applicant* means any person who submits an application for a land use authorization under this part.

(k) *Casual use* means any short term non-commercial activity which does not cause appreciable damage or disturbance to the public lands, their resources or improvements, and which is not prohibited by closure of the lands to such activities.

(l) *Land use authorization* means any authorization to use the public lands issued under this part.

(m) *Knowing and willful* means that a violation is *knowingly and willfully* committed if it constitutes the voluntary or conscious performance of an act which is prohibited or the voluntary or conscious failure to perform an act or duty that is required. The term does not include performances or failures to perform which are honest mistakes or which are merely inadvertent. The term includes, but does not require, performances or failures to perform which result from a criminal or evil intent or from a specific intent to violate the law. The knowing or willful nature of conduct may be established by plain indifference to or reckless disregard of the requirements of law, regulations, orders, or terms of a lease. A consistent pattern of performance or failure to perform also may be sufficient to establish the knowing or willful nature of the conduct, where such consistent pattern is neither the result of honest mistake or mere inadvertency. Conduct which is otherwise regarded as being knowing or willful is rendered neither accidental nor mitigated in character by the belief that the conduct is reasonable or legal.

[46 FR 5777, Jan. 19, 1981, as amended at 52 FR 49115, Dec. 29, 1987]

§ 2920.0-6 Policy.

(a) Land use authorizations shall be issued only at fair market value and only for those uses that conform with Bureau of Land Management plans, policy, objectives and resource management programs. Conformance with land use authorizations will be determined through the planning process and procedures provided in part 1600 of this title.