

§ 2920.9-3 Termination and suspension.

(a) Land use authorizations may be terminated under the following circumstances:

(1) If a land use authorization provides by its terms that it shall terminate on the occurrence of a fixed or agreed-upon event, the land use authorization shall thereupon automatically terminate by operation of law upon the occurrence of such event.

(2) Noncompliance with applicable law, regulations or terms and conditions of the land use authorization.

(3) Failure of the holder to use the land use authorization for the purpose for which it was authorized. Failure to construct or nonuse for any continuous 2-year period shall constitute a presumption of abandonment and termination.

(4) Mutual agreement that the land use authorization should be terminated.

(5) Nonpayment of rent for 2 consecutive months, following notice of payment due.

(6) So that the public lands covered by the permit can be disposed of or used for any other purpose.

(b)(1) Upon determination that there is noncompliance with the terms and conditions of a land use authorization which adversely affects the public health, safety or welfare or the environment, the authorized officer shall issue an immediate temporary suspension.

(2) The authorized officer may give an immediate temporary suspension order orally or in writing at the site of the activity to the holder or a contractor or subcontractor of the holder, or to any representative, agent, employee or contractor of any of them, and the suspended activity shall cease at that time. As soon as practicable, the authorized officer shall confirm the order by a written notice to the holder addressed to the holder or the holder's designated agent. The authorized officer may also take such action considered necessary to require correction of such defects prior to an administrative proceeding.

(3) The authorized officer may order immediate temporary suspension of an activity regardless of any action that

has been or is being taken by another Federal agency or a State agency.

(4) An order of temporary suspension of activities shall remain effective until the authorized officer issues an order permitting resumption of activities.

(5) Any time after an order of suspension has been issued, the holder may file with the authorized officer a request for permission to resume. The request shall be in writing and shall contain a statement of the facts supporting the request.

(6) The authorized officer may render an order to either grant or deny the request to resume within 5 working days of the date the request is filed. If the authorized officer does not render an order on the request within 5 working days, the request shall be considered denied, the holder shall have the same right to appeal the denial as if an order denying the request had been issued.

(c) Process for termination or suspension other than temporary immediate suspension.

(1) Prior to commencing any proceeding to suspend or terminate a land use authorization, the authorized officer shall give written notice to the holder of the legal grounds for such action and shall give the holder a reasonable time to correct any noncompliance.

(2) After due notice of termination or suspension to the holder of a land use authorization, if noncompliance still exists after a reasonable time, the authorized officer shall give written notice to the holder and refer the matter to the Office of Hearings and Appeals for a hearing before an Administrative Law Judge pursuant to 43 CFR 4.420-4.439. The authorized officer shall suspend or revoke the land use authorization if the Administrative Law Judge determines that grounds for suspension or revocation exists and that such action is justified.

(3) The authorized officer shall terminate a suspension order when the authorized officer determines that the violation causing such suspension has been rectified.

(d) Upon termination, revocation or cancellation of a land use authorization, the holder shall remove all structures and improvements except those

owned by the United States within 60 days of the notice of termination, revocation or cancellation and shall restore the site to its pre-use condition, unless otherwise agreed upon in writing or in the land use authorization. If the holder fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that shall not relieve the holder of liability for the cost of their removal and restoration of the site.

PART 2930—PERMITS FOR RECREATION ON PUBLIC LANDS

Subpart 2931—Permits for Recreation; General

Sec.

- 2931.1 What are the purposes of these regulations?
- 2931.2 What kinds of permits does BLM issue for recreation-related uses of public lands?
- 2931.3 What are the authorities for these regulations?
- 2931.8 Appeals.
- 2931.9 Information collection.

Subpart 2932—Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas

- 2932.5 Definitions.
- 2932.10 When you need Special Recreation Permits.
- 2932.11 When do I need a Special Recreation Permit?
- 2932.12 When may BLM waive the requirement to obtain a permit?
- 2932.13 How will I know if individual use of a special area requires a Special Recreation Permit?
- 2932.14 Do I need a Special Recreation Permit to hunt, trap, or fish?
- 2932.20 Special Recreation Permit applications.
- 2932.21 Why should I contact BLM before submitting an application?
- 2932.22 When do I apply for a Special Recreation Permit?
- 2932.23 Where do I apply for a Special Recreation Permit?
- 2932.24 What information must I submit with my application?
- 2932.25 What will BLM do when I apply for a Special Recreation Permit?
- 2932.26 How will BLM decide whether to issue a Special Recreation Permit?
- 2932.30 Fees for Special Recreation Permits.

- 2932.31 How does BLM establish fees for Special Recreation Permits?
- 2932.32 When must I pay the fees?
- 2932.33 When are fees refundable?
- 2932.34 When may BLM waive Special Recreation Permit fees?
- 2932.40 Permit stipulations and terms.
- 2932.41 What stipulations must I follow?
- 2932.42 How long is my Special Recreation Permit valid?
- 2932.43 What insurance requirements pertain to Special Recreation Permits?
- 2932.44 What bonds does BLM require for a Special Recreation Permit?
- 2932.50 Administration of Special Recreation Permits.
- 2932.51 When can I renew my Special Recreation Permit?
- 2932.52 How do I apply for a renewal?
- 2932.53 What will be my renewal term?
- 2932.54 When may I transfer my Special Recreation Permit to other individuals, companies, or entities?
- 2932.55 When must I allow BLM to examine my permit records?
- 2932.56 When will BLM amend, suspend, or cancel my permit?
- 2932.57 Prohibited acts and penalties.

Subpart 2933—Recreation Use Permits for Fee Areas

- 2933.10 Obtaining Recreation Use Permits.
- 2933.11 When must I obtain a Recreation Use Permit?
- 2933.12 Where can I obtain a Recreation Use Permit?
- 2933.13 When do I need a reservation to use a fee site?
- 2933.14 For what time may BLM issue a Recreation Use Permit?
- 2933.20 Fees for Recreation Use Permits.
- 2933.21 When are fees charged for Recreation Use Permits?
- 2933.22 How does BLM establish Recreation Use Permit fees?
- 2933.23 When must I pay the fees?
- 2933.24 When can I get a refund of Recreation Use Permit fees?
- 2933.30 Rules of conduct.
- 2933.31 What rules must I follow at fee areas?
- 2933.32 When will BLM suspend or revoke my permit?
- 2933.33 Prohibited acts and penalties.

AUTHORITY: 43 U.S.C. 1740; 16 U.S.C. 460/-6a.

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Subpart 2931—Permits for Recreation; General

§ 2931.1 What are the purposes of these regulations?

The regulations in this part—