

flexibility analysis pursuant to the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980), nor a budgetary impact statement pursuant to the Unfunded Mandates Act of 1995. Also, this notice does not contain any information collection requirements and, therefore, is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Dated: October 31, 1996.

Richard Wilson,

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 96-28657 Filed 11-06-96; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**43 CFR Parts 2800, 2920, 4100, 4300, 4700, 5460, 5510, 8200, 8340, 8350, 8360, 8370, 8560, 9210, and 9260**

[WO-130-1820-00 24 1A]

RIN 1004-AC30

### Law Enforcement—Criminal

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Land Management ("BLM") proposes to revise and consolidate many of the regulations which instruct the public regarding requirements for the management, use and protection of public lands, the knowing and willful violation of which subjects you to criminal penalties. The existing regulations which may, if knowingly and willfully violated, result in criminal penalties, are often difficult to understand and are scattered throughout the Code of Federal Regulations ("CFR"). Certain sections are no longer applicable but continue to take up space in the CFR. BLM proposes to remove obsolete regulations, consolidate many of the regulations that continue to apply in one new part, and rewrite the remaining regulations in plain English so that the regulated public can understand what actions are prohibited on BLM land.

**DATES:** Submit comments by January 6, 1997. BLM will consider comments postmarked on or before this date in preparing the final rule.

**ADDRESSES:** You may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC; or mail comments to

the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240. You may transmit comments electronically via the Internet to WOCComment@wo.blm.gov. Please include "Attn: AC30" and your name and address in your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly.

**FOR FURTHER INFORMATION CONTACT:** Dennis McLane (208) 387-5126.

### SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Discussion of Proposed Rule
- IV. Procedural Matters

#### I. Public Comment Procedures

Written comments on the proposed rule should:

- (a) Be specific;
- (b) Be confined to issues pertinent to the proposed rule;
- (c) Explain the reason for any recommended change;
- (d) Reference the specific section or paragraph of the proposal which the commenter is addressing, where possible.

BLM may not necessarily consider or include in the Administrative Record for the final rule comments which BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

#### II. Background

Section 303 of the Federal Land Policy and Management Act of 1976 ("FLPMA" or "the Act") authorizes criminal enforcement of regulations adopted by the Secretary of the Interior through BLM under FLPMA relating to the management, use, and protection of the public lands and the property located thereon. 43 U.S.C. 1733. FLPMA provides for criminal penalties in the amount of \$1,000 or imprisonment of no more than 12 months, or both, for violations of the Act. *Id.* Federal laws concerning public lands and resources often prescribe criminal penalties in excess of those provided for in FLPMA. For example, the alternative fines provisions of Title 18 U.S.C. Section 3571 allows assessment of a fine of not more than \$100,000 for misdemeanors punishable by imprisonment for more than 6 months. Since FLPMA allows imprisonment of up to 12 months for a violation, the larger penalties under 18 U.S.C. 3571 apply to BLM programs. The proposed rule cites Federal law where fines larger than those allowed by FLPMA apply. Proposed part 9260 also

describes the law enforcement authority of BLM, how BLM applies criminal penalties and procedures to certain BLM activities, and identifies many specific prohibited acts and many other regulations, the knowing and willful violation of which may subject you to criminal penalties.

The proposed rule would help the public and Federal, State, and local agencies to understand the scope of BLM law enforcement authority, and the Federal laws and regulations that apply to public lands and BLM activities.

BLM has attempted to consolidate criminal regulations before. Part 9260 was originally published May 20, 1980, as a final rule. The intent of that rulemaking was to establish a single regulatory section where all enforcement provisions of the various land use regulations could be found. The regulations in part 9260 were duplicates of the regulations contained in other parts of Title 43 dealing largely with non-mineral use or development of the public lands. BLM intended to amend part 9260 each time a law enforcement regulation was added or amended to other parts of Title 43. Since BLM did not amend 9260 each time a law enforcement regulation was added or amended in other parts of Title 43, part 9260 now conflicts with other sections of 43 CFR containing law enforcement regulations.

Several executive branch directives call for efficiency in the regulatory process. BLM is meeting the requirements of those directives by:

- (a) Streamlining its regulations and eliminating obsolete and outdated regulations;
- (b) Reviewing existing regulations to discover opportunities to combine related resources and concepts; and
- (c) Reducing regulatory volume and rewriting the regulatory text in clearer and more action-oriented language.

In many subparts of 43 CFR, BLM's regulations currently include lists of prohibited acts which are similar in nature. Other subparts in 43 CFR, especially those related to mineral development in Groups 3000 through 3800 of 43 CFR, do not rely on lists of prohibited acts to enforce the law. Instead, they are made up of regulatory requirements, the knowing and willful violation of which may subject you to criminal penalties. The minerals regulations may also list acts of noncompliance which, if you engage in them, may subject you to criminal penalties. Consequently, a lessee, operator, miner or other user of the public lands who knowingly and willfully violates such regulatory requirements, including those found in

43 CFR Groups 3000–3800, may be subject to criminal penalties under FLPMA. Because of the broad nature of BLM's enforcement authority under FLPMA, BLM is the only Federal land management agency that does not consolidate all criminal regulations in one part. While this proposed rule would consolidate BLM's prohibited acts provisions in one part to reduce the number of criminal regulations, it is not possible to completely consolidate all of BLM's regulations which impose requirements on the public, the knowing and willful violation of which would subject a person to criminal penalties. By revising the regulations, BLM would make them more understandable and easier to locate, and bring BLM in line with other Federal land management agencies as much as is possible at this time.

### III. Discussion of Proposed Rule

This rule proposes to remove criminal law enforcement provisions from parts 2800, 2920, 4100, 4300, 4700, 5460, 5510, 8200, 8340, 8350, 8360, 8370, 8560, and 9210, and consolidate them in a new part 9260. Because of BLM's overall regulatory reform program, several of these parts may be proposed for amendment. In this rule, BLM will refer to the existing section numbers it proposes to remove, even though there may be proposed rules that will change the section numbering of those parts. When this rule is prepared for publication as a final rule, BLM will correct any inconsistencies.

BLM has prepared the following chart to show where in the proposed rule the criminal law enforcement provisions from the old CFR will be located. In some instances, the chart serves merely to cross reference existing rules with the proposed rules, rather than to indicate the deletion of the existing rules.

Existing rules	"Plain English" proposed rule
§ 9260.0–1 .....	§ 9260.1
§ 9260.0–3 .....	§ 9260.2
§§ 8340.0–5, 8372.0–5, 8360.0–5 .....	§ 9260.6
§§ 2801.3(g), 2920.1–2(e), 3715.8, 4170.2, 4340.1(b), 4770.5, 5462.3, 5511.5, 8224.2, 8340.0–7, 8351.2–1(f), 8360.0–7, 8372.0–7(b), 8560.5, 9212.4, 9262.1 .....	§ 9260.8
§§ 2880.0–7, 3715.0–1(b), 8340.0–8 .....	§ 9260.7
None .....	§ 9261.1
None .....	§ 9261.2
None .....	§ 9261.3
None .....	§ 9261.4

Existing rules	"Plain English" proposed rule
§§ 3715.6(f), 3715.8–1, 4140.1(b)(4), 4140.1(b)(7), 4140.1(b)(8), 5462.2(b)(9), 5511.4(b)(1), 8365.1–4, 8365.1–5 .....	§ 9262.1
§ 8365.1–4(b) .....	§ 9262.2
§ 8365.1–4(b) .....	§ 9262.3
§ 8365.1–1 .....	§ 9262.4
§ 8365.1–2 .....	§ 9262.5
None .....	§ 9262.6
§ 8365.1–4 .....	§ 9262.7
§ 9212.1 .....	§ 9262.8
§§ 8341.1, 8365.1–3, 8365.2–4 .....	§ 9263.1
§ 8343.3 .....	§ 9263.2
§§ 2920.1–2, 3715.6(e), 4140.1(b)(1), 5462.1(a)(5), 5511.4(b)(3), 8372.0–7 .....	§ 9264.20
§§ 2801.3 .....	§ 9264.30
§§ 2920.1–2, 3715.6, 8365.1–2 .....	§ 9264.50
§ 8372.0–7 .....	§ 9264.60
§ 3715.6 .....	§ 9264.70
§ 4140.1(b) .....	§ 9264.80
§§ 5462.2, 5511.4, 9265.6 .....	§ 9264.90
§ 8365.1–5(b) .....	§ 9265.1
§ 8365.1–5(c) .....	§ 9264.1
§ 4770.1 .....	§ 9265.20
None .....	§ 9265.30
None .....	§ 9265.31
§ 9268.3(e)(2)(iii)(A) .....	§ 9265.41
§ 9264.1(h) .....	§ 9265.42
None .....	§ 9265.43
§ 8365.1–5(a)(1) .....	§ 9265.50
§§ 4140.1(b)(3), 8365.1–5(a)(2) .....	§ 9265.60
None .....	§ 9265.70
§ 8365.2–1 .....	§ 9266.21
§ 8365.2–3 .....	§ 9266.22
§ 8365.2–1(c) .....	§ 9266.23
§ 8365.2–2 .....	§ 9266.24
§ 8365.2–5(a) .....	§ 9266.25
§ 8560.1–2 .....	§ 9267.1
§ 8351.1–1 .....	§ 9267.20
None .....	§ 9267.40
None .....	§ 9268.10
§ 8223.1 .....	§ 9268.20
§ 8224.1 .....	§ 9268.30
None .....	§ 9268.50
None .....	§ 9268.60
§§ 8351.2–1, 8364.1, 8560.1–1, 9212.2 .....	§ 9269.2
§§ 8351.2–1(a), 8364.1(a), 8560.1–1(a), 9212.2(a) .....	§ 9269.3
§§ 8364.1 (b), 9212.2(b) .....	§ 9269.3
§§ 8364.1(b)(6), 9212.2(b)(4) ....	§ 9269.4
§§ 8364.1(c) .....	§ 9269.5
None .....	§ 9269.6
None .....	§ 9269.7
None .....	§ 9269.8
§§ 8364.1(d), 9212.1(h) .....	§ 9269.9
§§ 8351.2–1(a), 8365.1–6 .....	§ 9269.21
§§ 8351.2–1(d), 8365.1–6(a) ....	§ 9269.22
§§ 8365.1–6(c) .....	§ 9269.23
None .....	§ 9269.24
§§ 8351.2–1(f), 8365.1–6 .....	§ 9269.25

Wherever existing rules listed specific prohibited acts, those prohibited acts have been relocated or referenced in the proposed rule, as shown in the table above, and converted to plain English. No substantive changes were made to these provisions. This rule specifies that

BLM law enforcement will take action to enforce BLM regulations on activities occurring on BLM lands and activities on or having a clear potential to affect water bodies on or adjacent to BLM lands. The statement that BLM will regulate activities on (or having a clear potential to affect) water bodies on or adjacent to BLM lands is not an attempt to establish ownership over those waters, but an attempt to clarify BLM's jurisdiction for protection of resources.

Please note that the minerals rules in Groups 3000 through 3800 of 43 CFR, with a few exceptions, are not addressed by this rule. Although most of the minerals rules do not list prohibited acts, the rules are replete with regulatory requirements which are enforceable by law. Consequently, when referring to this proposed rule, do not assume that an activity is not criminally punishable if it is not listed among the prohibited acts in this rule. You are still obligated to comply with all requirements of BLM's regulations which govern management, use and protection of the public lands.

A number of definitions have been added to section 9260.6 of the proposed rule, and a prohibition against hindering lawful hunting was added to enforce the Recreational Hunting Safety and Preservation Act of 1994 (16 U.S.C. 5202). This statute provides that if you hinder lawful hunting, you may be subject to civil penalties of not more than \$10,000, if the violation involves the use of force or violence or the threatened use of force or violence, against the person or property of another person; and not more than \$5,000 for any other violation.

As mentioned above, the proposed rule cites Federal law where fines larger than those allowed by FLPMA apply. BLM would like to point out the inclusion of penalty provisions in the proposed rule at section 9260.8 (i)–(j), which relates to violations of the Mineral Leasing Act, 30 U.S.C. 181 *et seq.*, or its implementing regulations.

Certain violations of the Mineral Leasing Act are punishable by fines of no more than \$500,000, or imprisonment for no more than 5 years, or both, pursuant to 30 U.S.C. 195.

The following sections were removed, for the reasons provided:

#### Part 2800

1. Section 2800.0–5 is amended by removing paragraph (v), because the definition of "willful trespass" conflicts with the other trespass provisions located in proposed part 9260.

*Part 2920*

2. Section 2920.0-5 is amended by removing paragraph (m), for the same reason in 1. above.

3. Section 2920.1-2 is amended by removing paragraph (e), for the same reason in 1. above.

BLM is interested in comments on the section on Wild Horses and Burros in the proposed rule. BLM has included the prohibitions regarding this program in section 9265.20 of its proposed rule without making substantive changes. BLM is looking for a better way to define when it is permissible for a person to destroy a wild horse or burro without BLM's authorization.

BLM would also welcome public comments on a modification it is proposing in sections 9266.21 and 9266.23 of the rule. BLM's regulations provide that animals other than seeing-eye dogs or hearing-ear dogs are not permitted in swimming areas, and animals brought to recreation sites or areas must be leashed or physically restricted at all times. BLM proposes to exempt service dogs from these provisions. To accomplish this, BLM has added a new definition of "service animal" to section 9260.6 of the proposed rule:

*Service Animal* means the same as provided in the definition section of the regulations implementing the Americans With Disabilities Act, 28 CFR 36. The current definition section of these regulations, 28 CFR 36.104, defines a service animal as: Any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

BLM would like comments regarding any types of service dogs or animals that may have been omitted in this definition.

## IV. Procedural Matters

*National Environmental Policy Act*

BLM has prepared an environmental assessment (EA), and has found that the proposed rule would not constitute a major federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified previously. BLM

invites the public to review these documents by contacting us at the addresses listed above (see **ADDRESSES**), and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the Written Comments section above, or contact us directly.

*Paperwork Reduction Act*

This rule does not contain collections of information that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

*Regulatory Flexibility Act*

BLM has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The proposed removals and revisions will reduce the overall content of the existing 43 CFR regulations, but will not impose any new requirements or burdens upon small entities.

*Unfunded Mandates Reform Act*

BLM has determined that this proposed rule will not result in any unfunded mandate to State, local or tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year.

*Executive Order 12612*

The proposed rule would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, BLM has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

*Executive Order 12630*

The proposed rule does not represent a government action that interferes with constitutionally protected property rights or would result in a taking of private property.

*Executive Order 12866*

BLM has determined that the proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866. The rule is therefore not subject to review by the Office of Management and Budget under section 6(a)(3) of that order.

*Executive Order 12988*

The Department of the Interior has determined that this rule meets the applicable standards provided in

sections 3(a) and 3(b)(2) of Executive Order 12988.

*Author*

The principle author of this proposed rule is Dennis McLane of the National Law Enforcement, Security, and Investigations Team, BLM, assisted by the Regulatory Management Group.

*List of Subjects**43 CFR Part 2800*

Communications, Electric power, Highways and roads, Land Management Bureau, Pipelines, Public lands-rights-of-way, Reporting and recordkeeping requirements.

*43 CFR Part 2920*

Land Management Bureau, Public lands, Reporting and recordkeeping requirements.

*43 CFR Part 4100*

Administrative practice and procedure, Grazing lands, Land Management Bureau, Livestock, Penalties, Range management, Reporting and recordkeeping requirements.

*43 CFR Part 4300*

Administrative practice and procedure, Alaska, Grazing lands, Land Management Bureau, Range Management, Reindeer, Reporting and recordkeeping requirements.

*43 CFR Part 4700*

Horses, Intergovernmental relations, Land Management Bureau, Penalties, Public lands, Range management, Reporting and recordkeeping requirements, Wildlife.

*43 CFR Part 5460*

Forests and forest products, Government contracts, Land Management Bureau, Public lands.

*43 CFR Part 5510*

Forests and forest products, Land Management Bureau, Public lands.

*43 CFR Part 8200*

Land Management Bureau, Public lands, Research.

*43 CFR Part 8340*

Land Management Bureau, Public lands, Recreation and recreation areas, Traffic regulations.

*43 CFR Part 8350*

Land Management Bureau, National trails system, National wild and scenic rivers system, Penalties, Public lands.

**43 CFR Part 8360**

Land Management Bureau, Penalties, Public lands, Recreation and recreation areas.

**43 CFR Part 8370**

Land Management Bureau, Penalties, Public lands, Recreation and recreation areas, Reporting and recordkeeping requirements, Surety bonds.

**43 CFR Part 8560**

Land Management Bureau, Penalties, Public lands, Reporting and recordkeeping requirements, Wilderness areas.

**43 CFR Part 9210**

Fire prevention, Land Management Bureau, Penalties, Public lands.

**43 CFR Part 9260**

Continental shelf, Forests and forest products, Land Management Bureau, Law enforcement, Penalties, Public lands, Range management, Recreation and recreation areas, Wildlife.

For the reasons stated above, and under the authority of sections 303 and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1733 and 1740), chapter II, subtitle B, title 43 of the Code of Federal Regulations, is proposed to be amended as set forth below:

Date: October 29, 1996.

Sylvia V. Baca,

*Deputy Assistant Secretary of the Interior.*

**PART 2800—RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES**

1. The authority citation for part 2800 continues to read as follows:

Authority: 43 U.S.C. 1733, 1740, 1761–1771.

**§ 2800.0–5 [Amended]**

2. Section 2800.0–5 is amended by removing paragraph (v).

3. Section 2800.0–5 is amended by removing the letter designations for the definitions, and alphabetizing the terms therein.

**§ 2801.3 [Amended]**

4. Section 2801.3 is amended by removing paragraph (g).

**PART 2920—LEASES, PERMITS AND EASEMENTS**

5. The authority citation for part 2920 continues to read as follows:

Authority: 43 U.S.C. 1732, 1733 and 1740.

**§ 2920.0–5 [Amended]**

6. Section 2920.0–5 is amended by removing paragraph (m).

**§ 2920.1–2 [Amended]**

7. Section 2920.1–2 is amended by removing paragraph (e).

8. Section 2920.1–2 is amended by redesignating paragraph (f) as paragraph (e).

**PART 4100—GRAZING ADMINISTRATION—EXCLUSIVE OF ALASKA**

9. The authority citation for part 4100 continues to read as follows:

Authority: 43 U.S.C. 315, 315a–315r, 1181d, 1740.

10.–11. Section 4140.1(b) is revised to read as follows:

**§ 4140.1 Acts prohibited on public lands.**

\* \* \* \* \*

(b) Persons performing the prohibited acts related to rangelands under § 9264.80 may be subject to civil penalties under § 4170.1 and criminal penalties under § 9260.8.

\* \* \* \* \*

**§§ 4170.2, 4170.2–1, 4170.2–2 [Removed]**

12.–13. Sections 4170.2, 4170.2–1, and 4170.2–2 are removed.

**PART 4300—GRAZING ADMINISTRATION; ALASKA; REINDEER**

14. The authority citation for part 4300 continues to read as follows:

Authority: Taylor Grazing Act of 1934, as amended (43 U.S.C. 315, 315(a)–315(r)), section 4 of the Act of August 28, 1937 (43 U.S.C. 1181(d)), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*).

15. Section 4340.1 is amended by removing paragraph (b) and the paragraph designation “(a)”.

**PART 4700—PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS**

16. The authority citation for part 4700 continues to read as follows:

Authority: 16 U.S.C. 1331–1340; 18 U.S.C. 47; 43 U.S.C. 315 and 1740.

17.–20. The heading of subpart 4770 is amended by removing “Prohibited Acts,”.

**§§ 4770.1, 4770.4, 4770.5 [Removed]**

21. Sections 4770.1, 4770.4, and 4770.5 are removed.

**§§ 4770.2 and 4770.3 [Redesignated as §§ 4770.1 and 4770.2]**

22. Subpart 4770 is amended by redesignating §§ 4770.2 and 4770.3 as §§ 4770.1 and 4770.2, respectively.

**PART 5460—SALES ADMINISTRATION**

23. The authority citation for part 5460 continues to read as follows:

Authority: 30 U.S.C. 601 *et seq.*, 43 U.S.C. 1181e.

**§§ 5462.2 and 5462.3 [Removed]**

24.–26. Subpart 5462 is amended by removing §§ 5462.2 and 5462.3.

**PART 5510—FREE USE OF TIMBER**

27. The authority citation for part 5510 continues to read as follows:

Authority: 61 Stat. 681, as amended; 69 Stat. 367; 48 Stat. 1269, sec. 11, 30 Stat. 414, as amended, R.S. 2478, sec. 32, 41 Stat. 450; 30 U.S.C. 601 *et seq.*, 43 U.S.C. 315, 48 U.S.C. 423, 43 U.S.C. 1201, 30 U.S.C. 189.

28.–29. Subpart 5511 is amended by removing §§ 5511.4 and 5511.5.

**GROUP 8200—NATURAL HISTORY RESOURCE MANAGEMENT—[REMOVED]**

30. Group 8200 is removed and reserved.

**PART 8340—OFF-ROAD VEHICLES**

31. The authority citation for part 8340 continues to read as follows:

Authority: 43 U.S.C. 1201, 43 U.S.C. 315a, 16 U.S.C. 1531 *et seq.*, 16 U.S.C. 1281c, 16 U.S.C. 670 *et seq.*, 16 U.S.C. 4601–6a, 16 U.S.C. 1241 *et seq.*, and 43 U.S.C. 1701 *et seq.*

**§ 8340.0–7 [Removed]**

32.–36. Section 8340.0–7 is removed.

**Subpart 8341—[Amended]**

37. The heading of subpart 8341 is amended by removing the term “Conditions of Use” and adding in its place “Special Rules.”

**§ 8341.1 [Removed]**

38. Section 8341.1 is removed.

**§ 8341.2 [Redesignated as § 8341.1]**

39. Section 8341.2 is redesignated as § 8341.1.

**Subpart 8343—[Removed]**

40. Subpart 8343 is removed.

**Subpart 8344—[Redesignated as Subpart 8343]****§ 8344.1 [Redesignated as § 8343.1]**

41. Subpart 8344 and § 8344.1 are redesignated as subpart 8343 and § 8343.1, respectively.

**PART 8350—MANAGEMENT AREAS—[REMOVED]**

42. Part 8350 is removed.

**PART 8360—VISITOR SERVICES—  
[REMOVED]**

43. Part 8360 is removed.

**PART 8370—USE AUTHORIZATIONS**

44. The authority citation for part 8370 continues to read as follows:

Authority: 16 U.S.C. 4601–6a, 16 U.S.C. 670(g–n), 16 U.S.C. 1271–1287, 6 U.S.C. 1241–1249, 43 U.S.C. 1181(a), 43 U.S.C. 1201, 43 U.S.C. 1701 *et seq.*

45.–47. Section 8372.0–7 is revised to read as follows:

**§ 8372.0–7 Civil penalties.**

Authorized as well as unauthorized users may be subject to civil action for unauthorized use of the public lands and their resources, or violations of the permit terms or stipulations, or unauthorized activities on or having a clear potential to affect water bodies on or adjacent to BLM lands.

**PART 8560—WILDERNESS AREAS**

48. The authority citation for part 8560 continues to read as follows:

Authority: 43 U.S.C. 1701 *et seq.*, 16 U.S.C. 1131 *et seq.*

**§ 8560.1–2 [Removed]**

49.–52. Section 8560.1–2 is removed.  
53.–54. Section 8560.5 is revised to read as follows:

**§ 8560.5 Civil penalties.**

At the request of the Secretary of the Interior, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing public lands in violation of the regulations of this part.

**PART 9210—FIRE MANAGEMENT—  
[REMOVED]**

55. Part 9210 is removed.

**PART 9260—LAW ENFORCEMENT—  
CRIMINAL**

56. Part 9260 is revised to read as follows:

**Subpart 9260—Law Enforcement, General  
Sec.**

- 9260.1 What is the purpose of these regulations?
- 9260.2 What is the Authority for these regulations?
- 9260.4 What are BLM law enforcement officers authorized to do?
- 9260.5 Do BLM law enforcement officers have special authority to conduct investigations concerning Federal oil and gas?
- 9260.6 Definitions.
- 9260.7 What is the scope of these regulations?

9260.8 What are the criminal penalties for violating these regulations?

**Subpart 9261—Insignia, Badges and  
Identification Cards**

- 9261.1 What does BLM's official insignia look like?
- 9261.2 What do the official badges of BLM law enforcement authorities look like?
- 9261.3 What do the official identification cards of BLM law enforcement authorities look like?
- 9261.4 May I use, manufacture or possess BLM insignia, badges, or identification cards?

**Subpart 9262—Rules of Conduct on BLM  
Lands and Facilities**

- 9262.1 What BLM rules must I follow when I'm on BLM lands or in BLM buildings or facilities?
- 9262.2 What are BLM's rules on using or consuming alcohol or controlled substances on BLM lands?
- 9262.3 Are there any circumstances under which I may possess a controlled substance on BLM lands?
- 9262.4 What BLM rules concerning public health and sanitation and hazardous materials must I follow while I'm on BLM lands?
- 9262.5 What BLM rules must I follow while I camp on or occupy BLM lands?
- 9262.6 May I use a bicycle or mechanical equipment on BLM lands?
- 9262.7 What BLM rules concerning public disturbances and dangerous activities must I follow while I'm on BLM lands?
- 9262.8 What BLM rules must I follow if I want to use fire on BLM lands?

**Subpart 9263—Motor Vehicle Use on BLM  
Lands**

- 9263.1 What rules must I follow while I operate a motor vehicle or use a trailer on BLM lands?
- 9263.2 What standards must my vehicle comply with while on BLM lands?

**Subpart 9264—Resource Use and  
Development of BLM Lands for Commercial  
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General Rules of Public Conduct and Use of BLM Administratively Established Management Areas

9268.10 What BLM rules must I follow while I'm in an outstanding natural area?

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General Rules of Public Conduct and Use of BLM Resource Conservation Areas

9268.60 What BLM rules must I follow while I'm in the Empire-Cienega Resource Conservation Area?

#### **Subpart 9269—Local Closures, Restrictions, and Rules**

Orders to Close or Restrict Use of A Described Area

9269.1 May BLM issue orders to close or restrict my use of a described area?

9269.2 Under what circumstances may BLM issue orders to close or restrict my use of a described area?

9269.3 What must BLM include in each order that closes or restricts use of a described area?

9269.4 Must BLM orders closing or restricting use of a described area be posted?

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9269.6 What is the maximum duration of a closure or restriction order under this section?

9269.7 What must BLM do to close or restrict use of a described area for longer than 12 months?

9269.8 Must BLM consult with the State fish and game department for closures and restrictions related to hunting and fishing?

9269.9 What are the penalties for violating a closure or restriction order?

Supplemental and Special Rules

9269.21 What are supplemental and special rules?

9269.22 Where can I see a copy of a supplemental or special rule affecting a particular area?

9269.23 Must a supplemental or special rule be published in the Federal Register before it becomes effective?

9269.24 Must BLM consult with the State fish and game department for supplemental and special rules relating to hunting and fishing?

9267.25 What are the penalties for violating a supplemental or special rule?

Authority: 16 U.S.C. 460 I-6a; 16 U.S.C. 470ii; 16 U.S.C. 432; 16 U.S.C. 670h; 16 U.S.C. 712; 16 U.S.C. 1246(i); 16 U.S.C. 1281; 16 U.S.C. 1336; 16 U.S.C. 4303; 30 U.S.C. 1701 *et seq.*; 43 U.S.C. 315a; 43 U.S.C. 1061-1066; 43 U.S.C. 1201; 43 U.S.C. 1733(a); 43 U.S.C. 1740; and Executive Order 11644.

#### **Subpart 9260—Law Enforcement, General**

##### **§ 9260.1 What is the purpose of these regulations?**

The regulations in this part describe the law enforcement powers and authorities of the Bureau of Land Management (BLM) and identify many of the activities which are prohibited under BLM regulations, especially those related to use of the surface of the public lands. These regulations also describe criminal penalties for committing the listed prohibited acts or for violating other applicable regulatory requirements. With a few exceptions, the regulations in this part do not describe the requirements related to mineral development on the public lands under Groups 3000 through 3800 of this title which are equally enforceable by law. To the extent any miner, operator, lessee or user of BLM lands knowingly or willfully violates regulatory requirements or prohibitions in Groups 3000 through 3800 with respect to the management, use, and protection of the public lands, that person is subject to the criminal penalties under section 303 of FLPMA.

##### **§ 9260.2 What is the authority for these regulations?**

The primary authority for BLM's law enforcement program and for the regulations in this part is the Federal

Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1733). BLM is also authorized, under various other Federal statutes, to enforce certain provisions of those statutes. FLPMA authorizes the Secretary of the Interior to:

(a) Issue regulations pertaining to the management, use, and protection of the public lands and property located on public lands. Violation of a regulation issued under FLPMA is punishable as a criminal offense;

(b) Authorize Federal personnel to enforce Federal laws and regulations relating to the public lands and their resources;

(c) Enter into contracts with local officials with law enforcement authority to enforce Federal laws and regulations relating to the public lands or their resources when he or she determines that such assistance is necessary; and

(d) Cooperate with regulatory and law enforcement officials of any State or political subdivision of a State in enforcing the laws or ordinances of the State or subdivision. This cooperation includes entering into agreements to provide law enforcement services on public lands. The agreement may also reimburse a State or its subdivision for expenditures incurred in providing law enforcement services.

##### **§ 9260.4 What are BLM law enforcement officers authorized to do?**

BLM law enforcement officers are authorized to:

(a) Under FLPMA (43 U.S.C. 1733(c)(1)):

(1) Carry firearms;

(2) Execute and serve any warrant or other process issued by a court or officer of competent jurisdiction;

(3) Make arrests without warrant or process for a:

(i) Misdemeanor he or she sees or has reasonable grounds to believe is being committed in his or her presence; or

(ii) Felony, if he or she has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

(4) Search without warrant or process any person, place, or vehicle according to any Federal law or rule of law; and

(5) Seize without warrant or process any piece of evidence as provided by Federal law.

(b) Under 43 U.S.C. 1466, take oaths, affirmations, affidavits and depositions with the same force and effect as if administered or taken before an officer having a seal.

**§ 9260.5 Do BLM law enforcement officers have special authority to conduct investigations concerning Federal oil and gas?**

Yes. Under the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1701 et seq.), BLM law enforcement officers may conduct investigations relating to oil and gas removal from BLM lands and Indian lands. In connection with oil and gas investigations, a law enforcement officer has authority to:

- (a) Require any person to submit a written affidavit;
- (b) Administer oaths;
- (c) Subpoena witnesses;
- (d) Subpoena books, papers, records, and documents;
- (e) Order testimony to be taken by deposition; or
- (f) Stop and inspect any motor vehicle on BLM lands or Indian lands if the law enforcement officer has probable cause to believe that the vehicle is carrying oil from a lease site on those lands. The law enforcement officer may stop the vehicle to determine whether the driver has documentation required by law for the oil.

**§ 9260.6 Definitions.**

As used in this part and in other provisions found in 43 CFR: *Alcoholic beverage* means beer, wine, distilled spirits, and any other beverage defined as such by State law.

*Archeological resource* means the same as defined in part 7 of this Title.

*BLM lands* means public lands defined in the FLPMA as any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership.

*Campfire* means a controlled fire occurring out of doors that is no larger than 3 feet in diameter.

*Camping* means:

- (1) Erecting a tent or shelter made of natural or synthetic material;
- (2) Preparing a sleeping bag or other bedding material for use; or
- (3) Parking a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy.

*Commercial filming and/or photography* means the filming of a motion picture or television production or the making of a soundtrack, which involves the use of professional casts, settings or crews by any person other than bona fide newsreel or news television personnel; or the taking of still photographs for the purpose of commercial advertising.

*Commercial recreation use* includes, but is not limited to, guiding, outfitting, sponsoring, organizing, or providing for recreational use of or events on BLM lands for business or financial gain. The following are considered commercial uses:

- (1) When any fee, charge, or other compensation which is strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity or use is collected by a permittee, operator, or his agent;
- (2) Activities conducted by profit making organizations, even if that part of their activity that requires a permit is not profit making; and
- (3) Activities conducted by nonprofit groups when they are for business or financial gain.

*Competitive use* is any formally organized or structured use, event, or activity on BLM lands in which there are the elements of competition between two or more contestants, registration of participants, and/or a predetermined course or area is designated. The term also applies to one or more individuals contesting an established record such as speed or endurance of a person or animal, foot races, water craft races, survival exercises, war game trials or experiences or other similar exercises.

*Controlled substance* means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of 21 U.S.C. 812, or in 21 CFR 1308.11 through 1308.15. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986.

*Dangerous activity* means any action which could reasonably be construed as having an undue risk of danger or harm to yourself or others.

*Event* means a single structured, organized, consolidated or scheduled meeting, gathering, or occurrence on BLM lands. An event may be several related activities.

*Fined in accordance with the applicable provisions of Title 18 of the United States Code* means the maximum fine provided for the various classifications of offenses in Title 18 of the United States Code Section 3571—Alternative Fines.

*Hazard or nuisance* means a condition that is dangerous to health, offensive to community moral standards, or an obstruction of the public's use and enjoyment of public lands.

*Hazardous or injurious device* means a device which, when assembled or placed, is capable of causing bodily injury, or damage to property, by the action of any person making contact

with such device subsequent to the assembly or placement. This term includes:

- (1) Guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms;
- (2) Sharpened stakes;
- (3) Lines or wires with or without hooks attached;
- (4) Nails placed with the sharpened ends positioned in an upright manner; and
- (5) Tree spiking devices including spikes, nails or other objects which are hammered, driven, fastened, or placed into or on any timber, whether or not severed from the stump.

*Highway, road or trail* means a way or place that is publicly maintained and open to the public for vehicular travel without regard to which public agency has jurisdiction, operates or maintains it.

*Historical resource* means any structural, architectural, archaeological, artifactual or other material remains of past human life or activities which are of historical or cultural interest. This term includes historic property, as that term is defined in 36 CFR part 800. This term also includes, but is not limited to:

- (1) Historic or pre-historic objects, or any piece or portion of objects, made or used by humans, such as historic or pre-historic:

- (i) Pottery;
- (ii) Basketry;
- (iii) Bottles;
- (iv) Weapons;
- (v) Weapon projectiles;
- (vi) Tools; and
- (vii) Structures or portions of structures; and

- (2) The physical site, location, or context in which the objects like those listed in paragraph (1) of this definition are found, or human skeletal materials or graves which are related to or located in an historic property.

*Law enforcement officer* means a BLM law enforcement ranger or criminal investigator who has been delegated law enforcement authority by the Director to enforce Federal laws and regulations relating to the public lands and their resources.

*Licensed practitioner* means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

*Mechanical equipment* means any device for transporting personnel or

material with wheels, tracks, or skids, or by flotation, for traveling over land, water, or snow, and is propelled by a nonliving power source contained or carried on or within the device; or a bicycle or hang-glider.

**Motor Vehicle** means any motorized vehicle capable of, or designed for, travel or operation on or immediately over land or water.

**Occupancy** means the same as defined in 43 CFR 3715.0-5.

**Other vegetative resource** means the same as defined in 43 CFR part 5400.

**Outstanding natural area** means an area of unusual natural characteristics where management of recreation activities is necessary to preserve those characteristics.

**Paleontological resources** means the remains or trace(s) of a plant or animal which has been preserved by natural processes in the earth's crust or exposed on the surface. The term does not mean energy minerals, such as coal, oil and gas, oil shale, bitumen, lignite, asphaltum and tar sands, even though they are of biologic origin.

**Person** means, depending on the context, individual, corporation, company, partnership, trust, firm, association of persons, or State or political sub-divisions of a State.

**Pollute or contaminate water** means to discharge or place in water any of the following substances: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.

**Primitive area** means an area that is composed of natural, undeveloped lands that are essentially unaffected by civilization and located where the natural environment can be preserved by management of recreation activities and exclusion of additional roads and commercial developments.

**Public disturbance** means any activity that interferes with the public's enjoyment of BLM land.

**Range improvements** means the same as defined in 43 CFR part 4100.

**Recreation sites and areas** means sites and areas that contain structures or capital improvements primarily used by the public for recreation purposes. Such sites or areas include:

- (1) Delineated spaces for parking, camping or boat launching;
- (2) Sanitary facilities;
- (3) Potable water systems;
- (4) Grills or fire rings;
- (5) Tables;
- (6) Visitor Centers;
- (7) Shelters; and
- (8) Display panels or controlled access.

**Research natural area** means an area that is established and maintained for the primary purpose of research and education because the land has one or more of the following characteristics:

- (1) A typical representation of a common plant or animal association;
- (2) An unusual plant or animal association;
- (3) A threatened or endangered plant or animal species;
- (4) A typical representation of common geologic, soil, or water features; or
- (5) Outstanding or unusual geologic, soil, or water features.

**Scientific resource** means any resource, object or area that is of significant interest or of such unique or unusual character as to warrant a need for scientific study.

**Service animal** means the same as provided in the definition section of the regulations implementing the Americans With Disabilities Act, 28 CFR part 36.

**Special area** is a(n):

- (1) National Trail;
- (2) National Wild and Scenic River;
- (3) National Wilderness Area;
- (4) National Conservation Area;
- (5) Area of Critical Environmental Concern;
- (6) Area covered by joint agreement between the Bureau of Land Management and a State government as provided for in Title II of the Sikes Act; or
- (7) Area where BLM determines the resources require special management and control measures for their protection.

**Timber** means the same as defined in 43 CFR part 5400.

**Wild horses and burros** means the same as defined in 43 CFR part 4700.

#### **§ 9260.7 What is the scope of these regulations?**

The regulations in this part apply to, and the BLM law enforcement program extends to, BLM lands, lands administered by BLM, property on BLM lands, other resources of BLM lands, and activities on or having a clear potential to affect water bodies on or adjacent to BLM lands.

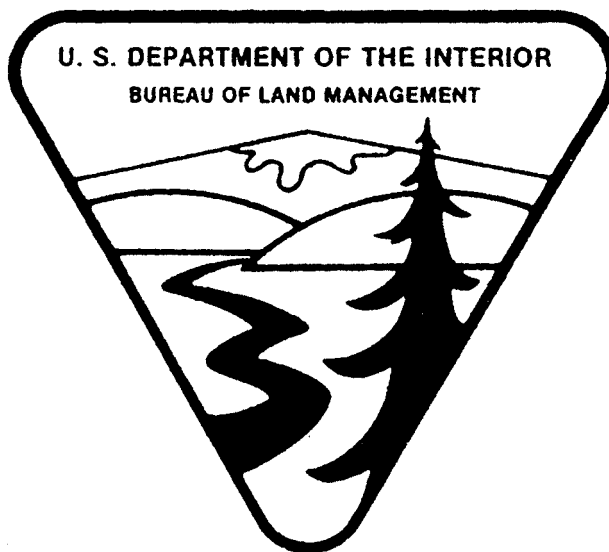
#### **§ 9260.8 What are the criminal penalties for violating these regulations in this part?**

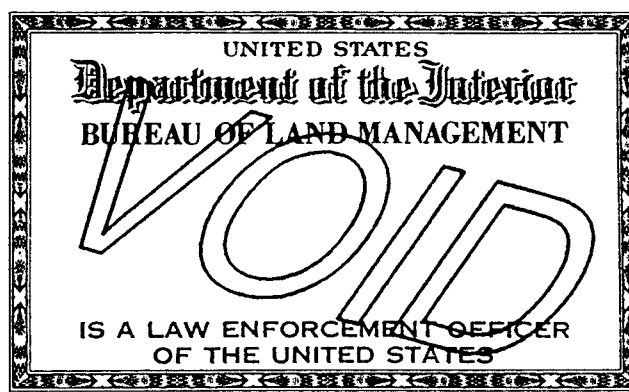
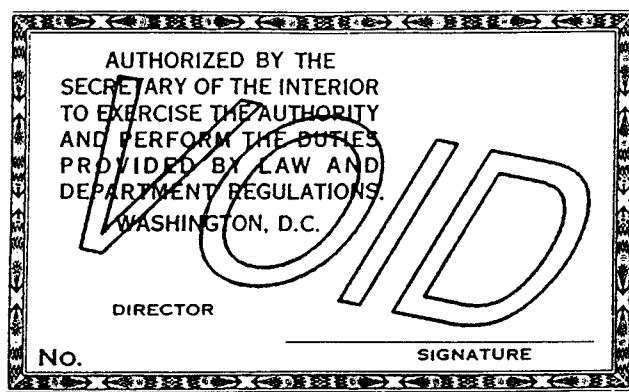
If	Then
(a) You do not pay any fee required under 43 CFR part 8372 for a special use or event on BLM lands.	You may be brought before a designated United States magistrate judge and fined in accordance with the applicable provisions of Title 18 of the United States Code pursuant to the Land and Water Conservation Fund Act (16 U.S.C. 460I-6a).
(b) You willfully violate any of the prohibited acts listed in this part within established grazing districts on BLM lands.	You may be brought before a designated United States magistrate judge and fined in accordance with the applicable provisions of Title 18 of the United States Code pursuant to the Taylor Grazing Act (43 U.S.C. 315a).
(c) You do not pay any fees required by the Land and Water Conservation Fund Act or 36 CFR part 71 or both.	You may be brought before a designated United States magistrate judge and fined in accordance with the applicable provisions of Title 18 of the United States Code pursuant to the Land and Water Conservation Fund Act (16 U.S.C. 460I-6a).
(d) You are hunting, trapping or fishing on BLM lands and do not have in your possession a valid BLM public land management area stamp required by BLM under § 9265.41 and the State fish and game agency under the Sikes Act (16 U.S.C. 670(j)).	You may be brought before a designated United States magistrate judge and fined in accordance with the applicable provisions of Title 18 of the United States Code and/or imprisonment not to exceed 6 months pursuant to the Sikes Act (16 U.S.C. 670(j)(1)).
(e) You violate any prohibited act of this part on BLM lands within units of the National Trails System, National Wild and Scenic Rivers System, or within areas subject to a comprehensive plan and cooperative agreement with State fish and game agencies for the conservation and rehabilitation of wildlife, fish, and game.	You may be brought before a designated United States magistrate judge and fined in accordance with the applicable provisions of Title 18 of the United States Code and/or imprisonment not to exceed 6 months pursuant to the National Trails System Act (16 U.S.C. 1246(i)), the National Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), or the Sikes Act (16 U.S.C. 670(j)(2)).



If	Then
(f) You violate any other Federal law or regulation related to the public lands and resources, or any other applicable Federal law or regulation on any BLM lands.	You may be brought before a designated United States magistrate judge and may be subject to the maximum penalty authorized by the applicable provisions of those Federal laws or regulations.
(g) You knowingly and willfully violate any of regulatory requirements in 43 CFR applicable to members of the public or any of the prohibited acts listed in this part on any BLM land.	If you are an individual, you may be brought before a designated United States magistrate judge and fined in accordance with the applicable provisions of Title 18 of the United States Code or imprisonment for no more than 12 months, or both, pursuant to FLPMA (43 U.S.C. 1733(a)). If you are a corporation, you may be brought before a designated United States magistrate judge and fined in accordance with the applicable provisions of Title 18 of the United States Code pursuant to FLPMA.
(h) You knowingly and willfully do not comply with one of the requirements of this part.	You may be brought before a designated United States magistrate judge and fined in accordance with the applicable provisions of Title 18 of the United States Code or imprisonment for no more than 12 months, or both, pursuant to the FLPMA (43 U.S.C. 1733(a)).
(i) You knowingly organize or participate in any scheme, arrangement, plan or agreement to circumvent or defeat the provisions of the Mineral Leasing Act, as amended, 30 U.S.C. 181 <i>et seq.</i> , or its implementing regulations.	You may be brought before a designated United States magistrate judge and fined no more than \$500,000 or imprisoned for no more than 5 years, or both, pursuant to 30 U.S.C. 195, 101 Stat. 1330–260 (1987).
(j) You knowingly seek to obtain or obtain any money or property by means of false statements of material facts or failing to state material facts concerning.	You may be brought before a designated United States magistrate judge and fined no more than \$500,000 or imprisoned for no more than 5 years, or both, pursuant to 30 U.S.C. 195, 101 Stat. 1330–260 (1987).
(1) The value of any lease or portion thereof issued under the Mineral Leasing Act, as amended, 30 U.S.C. 181 <i>et seq.</i> .	
(2) The availability of any land for leasing under the Mineral Leasing Act, as amended, 30 U.S.C. 181 <i>et seq.</i> .	
(3) The ability of any person to obtain leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181 <i>et seq.</i> ; or.	
(4) The provisions of the Mineral Leasing Act, as amended, 30 U.S.C. 181 <i>et seq.</i> , and its implementing regulations.	

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**Subpart 9261—Insignia, Badges and Identification Cards****§ 9261.1 What does BLM's official insignia look like?**

**§ 9261.2 What do the official badges of BLM law enforcement authorities look like?****§ 9261.3 What do the official identification cards of BLM law enforcement authorities look like?**

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**§ 9261.4 May I use, manufacture or possess BLM insignia, badges or identification cards?**

Unless BLM has authorized it, you must not:

- (a) Manufacture, sell, or possess any imitation of or any insignia, badge, or identification card illustrated in §§ 9261.1 through 92.61.3;
- (b) Make or execute any engraving, photograph, print, or impression of an insignia, badge, or identification card, or insignia like those illustrated in §§ 9261.1 through 92.61.3; or
- (c) Possess BLM insignia, badges or identification cards. If you are not authorized to possess a BLM insignia, badge, or identification card, BLM law enforcement officers may seize it.

**Subpart 9262—Rules of Conduct on BLM Lands and Facilities****§ 9262.1 What BLM rules must I follow when I'm on BLM lands or in BLM buildings or facilities?**

(a) If you are on BLM lands or in buildings or facilities administered by or used to administer BLM lands and resources, you must not:

- (1) Resist, evade, or attempt to flee, in order to avoid arrest or being issued a

citation by a law enforcement officer performing official duties;

- (2) Interfere with any BLM employee or volunteer performing official duties;
- (3) Threaten, commit a battery upon, or assault any BLM employee or volunteer performing official duties or on account of performing official duties;
- (4) Give a false or fraudulent report of an emergency situation or give false information concerning a crime or violation;
- (5) Give false or fraudulent information to a law enforcement officer;
- (6) Provide false or fraudulent information or documents, or conceal a material fact relevant to use authorizations or permits;
- (7) Knowingly and willfully make payment for any product, use authorization, fee or service with insufficiently funded checks;
- (8) Remove, deface, destroy, transport, or convert to private use, property owned, operated, maintained, administered by, or in the custody of BLM;
- (9) Tamper with, damage or destroy any improvements, signs, structures, wells, pipelines or dams, administered by BLM;

(10) Enter any building, structure or enclosed area or any portion of any building, structure or enclosed area owned or controlled by the United States not open to the public;

(11) Use, place, or cause to be placed a hazardous or injurious device with disregard for the safety of another;

(12) Create a hazard or nuisance;

(13) Prevent or obstruct free passage or transit over or through the BLM lands by force, threat, intimidation, fences, signs, barriers or locked gates;

(14) Damage, remove, transport, or possess property belonging to another person without permission;

(15) Intimidate, endanger, assault, injure, or interfere with any person; or

(16) Place a vehicle or other object where it impedes or is a hazard to the safety or convenience of any person. A law enforcement officer may remove or have removed a vehicle or other object which impedes or is a hazard to the safety or convenience of any person, or which has been left where it impairs any area of BLM lands.

(b) You must obey the lawful order of a law enforcement officer performing official duties.

**§ 9262.2 What are BLM's rules on possessing, using, or consuming alcohol or controlled substances on BLM lands?**

If you are on BLM lands, you must not:

(a) Sell or give an alcoholic beverage to a person under 21 years of age, except where a lower age limit is allowed by State law;

(b) Possess or consume an alcoholic beverage if you are under 21 years old, unless a lower age limit is allowed by State law;

(c) Sell alcoholic beverages without required State or local permit or license;

(d) Consume alcoholic beverages in areas where BLM or State or Federal law prohibits it;

(e) Cultivate, manufacture, deliver, distribute or traffic a controlled substance. Delivery means the actual, attempted or constructive transfer of a controlled substance whether or not there exists an agency relationship. You may distribute or deliver a controlled substance if you are a licensed practitioner and act according to law;

(f) Possess a controlled substance, including any amount of marijuana over 28.5 grams; or

(g) Possess any amount of marijuana up to and including 28.5 grams.

**§ 9262.3 Are there any circumstances under which I may possess a controlled substance on BLM lands?**

Yes. You may possess a controlled substance if you are a licensed practitioner acting according to law, or you obtained the substance either directly or pursuant to:

(a) A valid prescription or order from a licensed practitioner acting in the course of professional practice; or

(b) Federal or State law.

**§ 9262.4 What BLM rules concerning public health, sanitation, and hazardous materials must I follow while I'm on BLM lands?**

(a) You must not:

(1) Litter.

(2) Drain or dump sewage or solid waste, except in places or receptacles provided for that purpose. You may drain wash water unless BLM has prohibited it by supplementary or special rule.

(3) Dump, leave, or dispose of any household, commercial, hazardous or petroleum products, or industrial trash, refuse, or waste.

(4) Pollute or contaminate water.

(5) Generate, store, treat, transport, dispose of, discharge, or otherwise handle any hazardous waste identified in 42 U.S.C. 6901 *et seq.*, unless you have a valid permit issued under 42 U.S.C. 6925. Section 6925 sets the standards and procedures for permits

for the treatment, storage, or disposal of hazardous waste under the Resource Conservation and Recovery Act (RCRA).

(b) You must:

(1) Report immediately to the nearest BLM office that you discharged or spilled hazardous material or waste, oil, flammable material or substance, sewage, or any other harmful substance or pollutant on BLM land.

(2) Use refuse containers and disposal facilities only for purposes for which they are supplied.

(3) Comply with all other requirements of RCRA.

**§ 9262.5 What BLM rules must I follow while I camp on or occupy BLM lands?**

On BLM lands, unless BLM has authorized it, you must not:

(a) Occupy or camp longer than 14 consecutive days out of every 90 consecutive days in the same site or within a 25-mile radius of that site unless BLM authorizes a different time period; or

(b) Leave personal property unattended longer than 14 days (12 months in Alaska). Personal property left unattended longer than 14 consecutive days (12 months in Alaska), without BLM's permission:

(1) Will be considered abandoned;

(2) May be removed by BLM; and

(3) Is subject to disposition under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(m)).

**§ 9262.6 May I use a bicycle or mechanical equipment on BLM lands?**

You may use bicycles or mechanical equipment on BLM lands unless an area, road or trail is closed to that use. You must obey all special or supplemental rules and posted signs or other notices regarding closures.

**§ 9262.7 What BLM rules concerning public disturbances and dangerous activities must I follow while I'm on BLM lands?**

On BLM lands, unless BLM has authorized it, you must not cause a public disturbance or create a risk to other persons by engaging in activities which include, but are not limited to:

(a) Making unreasonable noise;

(b) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property:

(1) In or within 150 yards of a residence, building, campsite, recreation site or occupied area;

(2) Across or on a publicly maintained highway, road, or trail currently open for public motor vehicle traffic or an adjacent body of water; or

(3) At glass bottles or other materials being used for targets that have a

tendency to break into hazardous fragments with sharp edges and projections; or

(c) Using or possessing firearms, fireworks, explosives, or other devices or materials in violation of other Federal, State, or local laws, regulations, and ordinances.

**§ 9262.8 What BLM rules must I follow if I want to use fire on BLM lands?**

(a) Unless BLM authorized it, you must not:

(1) Start or ignite a fire. However, BLM does allow campfires and the industrial flaring of gas on BLM lands if you comply with BLM regulations and orders and obtain any necessary authorizations.

(2) Discharge a tracer or incendiary device.

(3) Burn timber, trees, slash, brush, tundra or grass except in campfires.

(4) Leave a fire without extinguishing it except to report that it has spread beyond control.

(5) Resist or interfere with the efforts of firefighter(s) to extinguish a fire.

(b) You must:

(1) Remove all flammable material from around the campfire before you build, attend, maintain or use a campfire, to prevent the fire from spreading.

(2) Have in your possession a valid campfire permit before you build, attend, maintain or use a campfire, when BLM requires a permit.

(3) Obey the conditions of the campfire permit, when BLM requires a permit.

(4) Obey State and local laws, regulations and ordinances concerning fire prevention restrictions, including but not limited to:

(i) Fireworks;

(ii) Spark arresters (A spark arrester is a device that meets the U.S. Department of Agriculture—Forest Service Standard 5100-1a);

(iii) Interfering with emergency operations;

(iv) Arson;

(v) Campfire permits; or

(vi) Use of flammable substances and materials.

**Subpart 9263—Motor Vehicle Use on BLM Lands****§ 9263.1 What rules must I follow while I operate a motor vehicle or use a trailer on BLM lands?**

(a) While you operate a motor vehicle or use a trailer on BLM lands you must:

(1) Obey State and local laws, regulations, and ordinances relating to the use, standards, registration, operation, and inspection of motorized vehicles and trailers. If State and local

laws, regulations, or ordinances do not exist or are less stringent than the regulations in this part, these regulations are the minimum standards and apply to you and your motor vehicle.

(2) Obey traffic control signs and devices.

(3) Obey posted parking restrictions.

(4) Yield to pedestrians, bicycles, saddle horses, pack animals, or animal drawn vehicles.

(5) Yield to emergency vehicles.

(6) Stop when a law enforcement officer directs you to do so.

(7) Obey the posted speed limit.

(8) Obey the terms and conditions of the applicable designation pertaining to areas and trails under 43 CFR subpart 8342. BLM designates public lands as being open, limited, or closed to motor vehicle use.

(b) You must not use or operate a motor vehicle or trailer on BLM lands:

(1) In any location closed to motor vehicle use;

(2) At a speed greater than is reasonable or prudent or at a speed which endangers the safety of other persons or property;

(3) In a reckless, careless or negligent manner;

(4) While under the influence of alcohol or controlled substances or both (The standards for establishing under the influence are those prescribed by State law in the State where the offense occurs);

(5) In a manner causing, or likely to cause damage to or disturbance of the soil, water, wildlife, wildlife habitat, improvements, cultural, paleontological, or vegetative resources; or

(6) In a manner that would block, restrict, or otherwise interfere with the lawful use of a road, trail, gate, or other area of access.

#### **§ 9263.2 What standards must my vehicle comply with while on BLM lands?**

Your vehicle must be equipped with:

(a) Lighted headlights and taillights during night hours, which means the hours from a half-hour after sunset to a half-hour before sunrise. If you are driving a motor vehicle on BLM lands during night hours, your vehicle must comply with the following:

(1) Headlights must be powerful enough to illuminate an object at 300 feet at night under normal atmospheric conditions;

(2) Two- or three-wheeled vehicles, single tracked vehicles, and other vehicles commonly referred to as all-terrain vehicles must have at least one headlight;

(3) Vehicles with four or more wheels or more than a single track must have at least two headlights;

(4) Double tracked snow machines with a maximum capacity of two people must have at least one headlight; and

(5) Taillights must be red and capable of being seen at a distance of 500 feet from the rear at night under normal atmospheric conditions. Vehicles must have at least the same number of taillights as headlights;

(b) Brakes in good working condition;

(c) A functional muffler or be equipped with a muffler cutout, bypass, or similar device. Your vehicle must not produce excessive noise; and

(d) Seat belts for each front seat passenger that conform to United States Department of Transportation standards. Each front seat passenger must be restrained by a seat belt while your vehicle is in motion. Children must be restrained in car seat safety devices or seat belts, according to provisions of State law.

#### **Subpart 9264—Resource Use and Development of BLM Lands for Commercial or Other Uses That Must Be Authorized by BLM**

##### **§ 9264.1 For what types of activities does BLM require authorization for use and development of BLM lands and resources?**

If you want to use, occupy or develop BLM lands for commercial purposes or other purposes that involve altering the natural terrain or removal of resources, you may need to obtain a use authorization, lease, permit or other authorization from BLM. Please consult the specific subpart(s) in 43 CFR which govern the activity in which you would like to engage. The following listing, though not intended to be a complete listing, describes many of the activities and uses in which you must not be engaged without obtaining the necessary authorization from BLM:

(a) Use of a right-of-way;

(b) Use, development or processing of BLM resources, including but not limited to, oil and gas, coal, hardrock minerals, mineral materials, and timber;

(c) Temporary uses of land;

(d) Use of easements;

(e) Special recreation uses;

(f) Exploration, mining, milling, or beneficiation;

(g) Commercial filming and/or photography;

(h) Selling materials;

(i) Free use of resources;

(j) Livestock grazing;

(k) Road building and/or use of other means of access or transportation;

(l) Installing utilities;

(m) Developing communication and/or navigation sites;

(n) Cultivating crops;

(o) Developing trash dumps;

(p) Construction of any kind;

(q) Developing canals and ditches;

(r) Putting up billboards or no trespassing signs;

(s) Putting up gates or fences;

(t) Selling objects to the public;

(u) Manufacturing;

(v) Generation of electricity; or

(w) Fluid minerals injection or storage.

#### **General Rules When Your Use is Authorized by BLM**

##### **§ 9264.20 What rules must I follow when BLM has authorized my use on BLM lands?**

When you have been authorized to use, occupy, or develop BLM lands or resources, you must:

(a) Comply with the terms, stipulations or conditions set out in the use authorization;

(b) Not continue to use, occupy, or develop BLM lands or resources after the use authorization expires or is revoked, suspended, terminated or canceled or for purposes other than those for which BLM approves or authorizes it;

(c) Comply with any BLM notice or order;

(d) Comply with requirements for restoration, revegetation or curtailment of erosion of the land surface, or any other reclamation measure BLM determines necessary; and

(e) Comply with all other applicable rules and regulations.

##### **§ 9264.30 Must I get BLM authorization to install oil and gas pipelines or facilities on BLM lands?**

Yes. On BLM lands which are outside of the boundaries of an oil and gas leasehold and of any tracts committed to an approved agreement under 43 CFR subpart 3130, you must not install oil or gas pipelines or facilities without a right-of-way, temporary use permit, or other authorization required by 43 CFR part 2800. On BLM lands which are within the boundaries of an oil and gas leasehold or any tracts committed to an approved agreement under 43 CFR subpart 3130, you must not install oil or gas pipelines or facilities without complying with the oil and gas lease terms or the terms of the agreement and with an approved plan of operations.

##### **§ 9264.50 May I occupy a residence on BLM lands?**

(a) Yes, but only if BLM issued you a lease, permit or other authorization under 43 CFR part 2900 or 43 CFR subpart 3715. You must have a use authorization to place, construct, maintain, or use any of the following on BLM lands:

(1) Cabins;

(2) Buildings;  
 (3) Trailers;  
 (4) Motor homes;  
 (5) Tents; or  
 (6) Other structures, vehicles or equipment used for residential occupancy or other purposes.

(b) You must not occupy BLM lands beyond the time limits provided in § 9262.5(a).

#### Recreation Uses or Events

##### **§ 9264.60 What rules must I follow to participate in or sponsor special recreation uses or events on BLM lands?**

(a) You must:

(1) Have a proper BLM permit required by 43 CFR subpart 8372 to conduct a commercial use, a competitive event, an event involving 50 or more vehicles, or any use or event in a special area.

(2) Pay any fee required under 43 CFR subpart 8372;

(3) Post a copy of any permit where all the participants can read it;

(4) Show a copy of the special recreation permit to a BLM employee or a participant, if he or she requests to see it; and

(5) Comply with all other applicable rules and regulations.

(b) You must not knowingly and willfully participate in an event or use subject to the permit requirements of 43 CFR subpart 8372 if BLM has not issued a permit for that event or use.

#### Use and Occupancy for Development of Locatable Mineral Deposits

##### **§ 9264.70 What BLM rules must I follow if I want to explore for, mine or process locatable minerals on BLM lands?**

(a) Unless BLM has authorized it, you must not:

(1) Place, construct, maintain, or use residences or structures for occupancy, including but not limited to: cabins, buildings, trailers, motor homes, tents, or other structures and vehicles or other equipment used for occupancy not meeting:

(i) The conditions of occupancy under 43 CFR 3715.2 or 3715.2-1; or

(ii) Any of the standards of occupancy under 43 CFR 3715.5;

(2) Occupy the land before BLM approves a plan of operation or its modification as required by 43 CFR subparts 3802 or 3809;

(3) For activities that do not require a plan of operations under 43 CFR subpart 3802 or that are defined as casual use or notice activities under 43 CFR subpart 3809, occupy the land before consulting with BLM as required by 43 CFR 3715.3;

(4) Occupy the land after BLM has made a determination of non-

concurrence because the proposed occupancy or fencing does not conform to 43 CFR 3715.2, 3715.2-1 or 3715.5;

(5) Prevent or obstruct free passage or transit over or through the public lands by force, threat, or intimidation.

Reasonable security and safety measures in accordance with 43 CFR subpart 3715 are allowed;

(6) Place, construct, or maintain enclosures, gates or fences, or signs intended to exclude the general public without BLM's concurrence;

(7) Cause a fire or safety hazard, or create a public nuisance;

(8) Conduct activities that do not involve prospecting, mining, or processing operations or uses reasonably incident thereto, including, but not limited to:

(i) Non-mining related habitation;

(ii) Cultivation;

(iii) Animal maintenance or pasturage, and development of small trade or manufacturing concerns;

(iv) Storage, treatment, processing, or disposal of non-mineral, hazardous or toxic materials or waste that are generated elsewhere and brought onto BLM lands; or

(v) Recycling or reprocessing of manufactured material such as scrap electronic parts, appliances, photographic film, and chemicals;

(vi) Searching for buried treasure, treasure trove or archaeological specimens; or

(9) Operate hobby and/or curio shops, cafes, tourist stands, or hunting and fishing camps.

(b) You must:

(1) Comply with any BLM order issued under 43 CFR subpart 3715 within the time frames the order provides;

(2) Comply with the notification, application, and other requirements under 43 CFR 3715.4 relating to an existing use or occupancy; and

(3) Comply with all other applicable rules and regulations.

(c) If a miner or user of BLM lands knowingly and willfully violate the requirements of part 3715 of this title, that person may be subject to arrest and/or trial as provided in that part.

#### Rangelands

##### **§ 9264.80 What BLM rules must I follow while I'm on public land rangelands?**

(a) On all public lands, you must not:

(1) Allow livestock or other privately owned or controlled animals to graze on or be driven across BLM lands unless you have a lease or permit and an annual grazing authorization. If you have a grazing bill which has not been paid to BLM, you do not have grazing authorization;

(2) Graze or drive more livestock than the number authorized;

(3) Graze or drive livestock in an area or at a time different from that authorized;

(4) Install, use, maintain, modify, and/or remove range improvements without BLM authorization;

(5) Cut, burn, spray, destroy, or remove vegetation without BLM authorization;

(6) Damage or remove U.S. property without BLM authorization;

(7) Molest, harass, injure, poison, or kill livestock authorized to graze on these lands or remove authorized livestock without the owner's consent; or

(8) Knowingly and willfully make a false statement or representation in base property certifications, grazing applications, range improvement permit applications, cooperative agreements, actual use reports and/or amendments thereto.

(b) On all public lands you must:

(1) Comply with the terms and conditions of your permit, lease, or other grazing use authorization;

(2) Comply with the requirement under 43 CFR 4130.5(c) having to do with counting and tagging livestock;

(3) Re-close any gate or other entry during periods of livestock use; and

(4) Comply with all other applicable rules and regulations.

#### Forest Resources

##### **§ 9264.90 What BLM rules concerning forest and vegetative resources must I follow while I'm on BLM lands?**

(a) On BLM lands, you must not:

(1) Cut, remove, or otherwise damage any timber, tree, or other vegetative resource, unless BLM has authorized you to do so by a timber sales contract, sales permit, free use permit, Federal law or regulation, or as allowed under other applicable regulations in this title;

(2) Cut any standing tree, under sale permit or timber sale contract, before a BLM employee has marked it or has otherwise designated it for cutting;

(3) Remove any timber or other vegetative resource cut under sale permit or timber sale contract, except to a place designated for scaling or measurement. Once you move the timber or vegetative resource to the place designated for scaling or measurement, you must not remove it from that place before it is scaled, measured, counted, or otherwise accounted for by a BLM employee;

(4) Stamp, mark with paint, tag, or otherwise identify any tree or other vegetative resources in a manner similar to that BLM employees use to mark or designate a tree or other vegetative

resources for cutting, removal, or transportation;

(5) Transport timber or other vegetative resources without a valid haul ticket except as authorized by Federal law or regulation;

(6) Negligently or intentionally destroy or injure any timber or other vegetative resource during operations under a forest product sale contract, sale permit, or free use permit;

(7) Use timber obtained under a free use permit for any purpose other than for firewood, fencing, building, or other agricultural, mining, manufacturing, and domestic purposes as provided for in 43 CFR subpart 5511;

(8) Export timber cut under a free use permit from the State in which it was cut, except as provided in 43 CFR 5511.1-1(e); or

(9) Cut timber under a free use permit for sale, barter, speculation, or use by others than the permittee.

(b) You must:

(1) Have in your possession any permit or forest sale contract BLM may require if you are a purchaser or a purchaser's agent harvesting or removing forest products (If a BLM employee or any official of a cooperating law enforcement agency acting as a sale inspector, administrator, contracting officer, or law enforcement officer asks to see your permit or sale contract, you must show it to him or her);

(2) Obey State and local laws and ordinances relating to local permits, tagging, and transportation of timber and other vegetative resources;

(3) Obey BLM's regulations on export and substitution in 43 CFR subpart 5400; and

(4) Comply with all other applicable rules and regulations.

#### **Subpart 9265—Public Use and Collection of BLM Resources**

##### **General Rules for Public Use of BLM Resources**

##### **§ 9265.1 What resources may I collect from BLM lands for noncommercial purposes?**

Except on recreation sites and areas, or where otherwise prohibited and posted, you may collect from BLM lands reasonable amounts of the following for noncommercial purposes:

(a) Commonly available renewable resources such as non-threatened or non-endangered species of flowers, berries, nuts, seeds, cones and leaves;

(b) Nonrenewable resources such as rocks, mineral specimens, common invertebrate fossils and semiprecious gemstones;

(c) Water resources for personal consumption;

(d) Petrified wood as provided under 43 CFR subpart 3622;

(e) Mineral materials as provided under 43 CFR subpart 3621;

(f) Coal as provided under 43 CFR part 3440; and

(g) Dead and down forest products for use in campfires on BLM lands. If you want to collect other forest products, you must comply with 43 CFR subpart 5500.

##### **Wild Horses and Burros**

##### **§ 9265.20 What BLM rules must I follow when I handle BLM wild horses and burros?**

(a) You must not:

(1) Maliciously or negligently injure or harass a wild horse or burro;

(2) Remove or attempt to remove a wild horse or burro from BLM lands without BLM's authorization;

(3) Destroy a wild horse or burro without BLM's authorization except as an act of mercy;

(4) Sell or attempt to sell, directly or indirectly, a wild horse or burro or its remains;

(5) Commercially exploit a wild horse or burro as defined at 43 CFR part 4700;

(6) Brand a wild horse or burro;

(7) Remove or alter a freeze mark on a wild horse or burro; or

(8) Accept a horse or burro bearing a BLM freeze mark for slaughter or destruction which is not accompanied by a certificate that title to the animal has been transferred out of BLM.

(b) You must:

(1) Treat wild horses and burros humanely in accordance with 43 CFR part 4700;

(2) Comply with BLM orders, terms, and conditions established under 43 CFR subpart 4770;

(3) Comply with terms and conditions of the Private Maintenance and Care Agreement; and

(4) Keep for one year the certificate of title to a horse or burro bearing a BLM freeze mark after you have accepted the animal for slaughter or destruction.

##### **Cave Resources**

##### **§ 9265.30 What BLM rules concerning cave resources must I follow while I'm on BLM lands?**

Unless BLM has authorized it, you must not:

(a) Destroy, disturb, deface, mar, alter, remove, or harm a significant cave which is described at 43 CFR part 37;

(b) Alter the free movement of any animal or plant life into or out of a significant cave;

(c) Enter a significant cave with the intention of committing any act

described in paragraphs (a) or (b) of this section; or

(d) Counsel, procure, solicit, or employ any other person to violate any provision of this section.

##### **§ 9265.31 Can I possess or sell cave resources?**

No. Unless BLM has authorized it, you must not possess, consume, sell, barter, or exchange, or offer for sale, barter or exchange, any cave resource, as defined in 43 CFR part 37, from a significant cave with knowledge or reason to know that the resource was removed from a significant cave.

##### **Fish and Wildlife Resources**

##### **§ 9265.41 Must I have a valid public land management area stamp to hunt, trap, or fish on BLM lands?**

Yes. If you want to hunt, trap, or fish on BLM lands, you must have in your possession a valid public land management area stamp when BLM and the State fish and game agency require it pursuant to a conservation and rehabilitation program implemented under the Sikes Act (16 U.S.C. 670(j)).

##### **§ 9265.42 Must I obey Federal, State, and local laws and regulations concerning conserving and protecting fish, wildlife, and plant resources while I'm on BLM lands?**

Yes. On BLM lands you must obey Federal, State, or local laws, regulations, or ordinances concerning conservation or protection of fish, wildlife or plant resources including, but not limited to those concerning:

(a) Hunting, trapping, fishing, catching, molesting, killing, possessing, transporting, buying, selling, or bartering any kind of wild animal or its parts;

(b) Taking the eggs of any bird or fish that came from BLM lands; or

(c) Taking or interfering with a threatened or endangered species.

##### **§ 9265.43 Is Alaska subsistence use of fish and wildlife resources regulated by BLM and other Federal land management agencies?**

Yes. The Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 *et seq.*) requires Federal land management agencies in Alaska to provide a management and regulatory program for the subsistence use of fish and wildlife resources when such a program has not been provided for by the State of Alaska. On BLM lands in Alaska, you must not violate any of the subsistence management provisions of 50 CFR part 100.

##### **§ 9265.44 Can I hinder lawful hunting on BLM lands?**

No. On BLM lands, you must not engage in any physical conduct that

significantly hinders lawful hunting. The Recreational Hunting Safety and Preservation Act of 1994 (16 U.S.C. 5202) provides that if you violate this regulation you may be subject to civil penalties of not more than \$10,000, if the violation involved the use of force or violence or the threatened use of force or violence, against the person or property of another person; and not more than \$5,000 for any other violation.

#### Cultural and Natural Resources

##### **§ 9265.50 What BLM rules concerning cultural resources must I follow while I'm on BLM lands?**

On BLM lands, unless BLM has authorized it, or as allowed in § 9265.1–1, you must not deface, disturb, remove or destroy any scientific, archaeological, or historic resource.

##### **§ 9265.60 What BLM rules concerning natural features or resources like plants, soil and minerals must I follow while I'm on BLM lands?**

Unless BLM has authorized it, you must not:

- (a) Deface, remove or destroy natural features or resources including plants or their parts, soil, rocks or minerals; or
- (b) Use explosive, motorized or mechanical devices, except metal detectors, to help you collect resources under § 9265.1.

#### Water Resources

##### **§ 9265.70 What BLM rules must I follow when I use water resources that are on BLM lands?**

Unless BLM has authorized it or as allowed under § 9265.1, you must not:

- (a) Divert, transport, or remove any water resource owned by or reserved to the United States and administered by BLM; or
- (b) Develop, construct or maintain any improvements, structures, wells, pipelines or dams with the intent of diverting, transporting, or removing any water resources owned by or reserved to the United States and administered by BLM.

#### **Subpart 9266—Recreation Sites and Areas**

##### **General Rules of Public Conduct and Use of BLM Recreation Sites and Areas**

##### **§ 9266.21 What BLM rules concerning public health and safety must I follow while I'm in a BLM recreation site or area?**

Unless BLM has authorized it, you must not:

- (a) Clean fish, game, other food, clothing or household articles at any outdoor hydrant, pump, faucet or fountain, or restroom water faucet;

(b) Deposit human waste except in toilet or sewage facilities provided for that purpose; or

(c) Bring an animal, except a Service Animal, to a swimming area.

##### **§ 9266.22 What BLM rules must I follow while I occupy or use BLM recreation sites and areas?**

(a) Unless BLM has authorized it, you must not:

- (1) Pitch a tent, park a trailer, erect a shelter or place camping equipment in an area other than where designated;
- (2) Leave personal property unattended longer than 24 hours in an area posted for day use or 72 hours in other areas. Personal property left unattended beyond the time limit:
  - (i) Will be considered abandoned;
  - (ii) May be removed by BLM; and
  - (iii) Is subject to disposition under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(m));
- (3) Build a fire except in a stove, grill, fireplace or ring where BLM provides one;
- (4) Enter or use a site or a portion of a site when posted closed to public use;
- (5) Occupy a site with more persons or vehicles than the posted limit;
- (6) Move any BLM table, stove, barrier, litter receptacle or other campground equipment; or
- (7) Camp in a site or area posted for day use only.

(b) You must:

- (1) Pay any fees imposed under the Land and Water Conservation Fund Act (16 U.S.C. 460 I–6a), as amended, and 36 CFR part 71, or both;
- (2) Have BLM permission to reserve any portion of a site or area for another person or party; and
- (3) Comply with conditions established and posted by BLM.

(c) You must:

- (1) Pay any fees imposed under the Land and Water Conservation Fund Act (16 U.S.C. 460 I–6a), as amended, and 36 CFR part 71, or both;
- (2) Have BLM permission to reserve any portion of a site or area for another person or party; and
- (3) Comply with conditions established and posted by BLM.

##### **§ 9266.23 What BLM rules must I follow if I want to bring an animal into a BLM recreation site or area?**

Unless the animal is a Service Animal performing a service function for a person with a disability, the animal must either be:

- (a) On a leash not longer than 6 feet and secured to a fixed object or under control of a person; or
- (b) Otherwise physically restricted at all times.

##### **§ 9266.24 What BLM rules must I follow if I want to use audio devices or motorized equipment in a BLM recreation site or area?**

You must not operate or use any audio device or motorized equipment at times and in a manner that makes noise that unreasonably disturbs others. Audio devices include radios, televisions, musical instruments, public

address systems or other noise producing devices. Motorized equipment includes, but is not limited to, motor vehicles, vehicle engines, model airplanes and cars, and generators.

##### **§ 9266.25 May I discharge or use fireworks, firearms or weapons in a BLM recreation site or area?**

No. You must not discharge or use fireworks, firearms, or weapons in a BLM recreation site or area or over or from water bodies on or adjacent to BLM lands.

#### **Subpart 9267—Congressionally Designated Management Areas**

##### **General Rules of Public Conduct and Use of BLM National Wilderness Areas**

##### **§ 9267.1 What BLM rules must I follow while I'm in a National Wilderness Area?**

Certain activities in wilderness areas may be allowed as provided in the Wilderness Act or subsequent legislation establishing a particular wilderness area, or as specifically provided for in 43 CFR subpart 8560. Unless your activities are authorized by specific legislation or by BLM, on BLM lands in wilderness areas, you must not:

- (a) Conduct commercial enterprises;
- (b) Build, construct or maintain any:
  - (1) Temporary or permanent roads;
  - (2) Aircraft landing strips;
  - (3) Heliports, or helispots; or
  - (4) Structures or installations, including motels, summer homes, stores, resorts, organization camps, hunting and fishing lodges, electronic installations, or similar structures and uses;
- (c) Use any motorized equipment, motor vehicles, bicycles, motorboats or other forms of mechanical transport;
- (d) Land any aircraft, or drop or pick up any material, supplies, or person by means of aircraft, including a helicopter, hang-glider, hot air balloon, parasail, or parachute;
- (e) Deface, disturb, remove or destroy plants or their parts, soil, rocks or minerals except down and dead forest products where allowed for use in campfires;
- (f) Enter into or use wilderness areas without a wilderness permit, when BLM requires it;
- (g) Conduct or participate in any competitive use; or
- (h) Physically alter or deface a natural rock surface for any purpose. If you are mountain or rock climbing or are exploring caves, you must not:
  - (1) Use any type of drill or permanent fixed anchor, including expansion bolts;
  - (2) Construct or place permanent artificial hand or foot holds; or

(3) Use glue, epoxies, or other fixatives on a natural surface to facilitate climbing.

General Rules of Public Conduct and Use of BLM National Scenic Trails and Areas

**§ 9267.20 May I operate a motor vehicle on a National Scenic Trail or area?**

You may operate a motor vehicle:

(a) If you are a member of a Federal, State or local agency and you must use a motor vehicle to meet emergencies involving health, safety, fire suppression, or law enforcement;

(b) If you are an adjacent landowner or land user and BLM determines that you require reasonable access to your lands, interests in lands, or timber rights; or

(c) On roads that are designated segments of the National Scenic Trail System posted as open to motorized vehicles.

General Rules of Public Conduct and Use of BLM National Conservation Areas

**§ 9267.40 What BLM rules must I follow when I'm in the San Pedro Riparian National Conservation Area?**

On BLM lands in the San Pedro Riparian National Conservation Area, unless BLM has authorized it, you must not:

(a) Use or operate any unlicensed motor vehicle;

(b) Place or set any wildlife traps, except for health and safety or administrative purposes as determined by BLM;

(c) Discharge a firearm for the purposes of target shooting and plinking or both;

(d) Discharge a firearm in, or fire into, the area between Charleston Road and Highway 92;

(e) Camp or occupy lands in the conservation area longer than 7 days within any period of 21 consecutive days;

(f) Camp in areas outside developed campgrounds without a BLM permit;

(g) Build or maintain a campfire outside an area designated for that purpose;

(h) Camp overnight in a Research Natural Area;

(i) Tether or corral horse(s) in campgrounds or picnic areas where facilities for horses have not been provided; or

(j) Use a metal detector.

**§ 9267.43 What other BLM rules must I follow when I'm in the Snake River Birds of Prey National conservation Area?**

You must not:

(a) Discharge a firearm during a period of time from March 1 to August

31, inclusive. You may discharge a firearm for the purposes of a lawful hunt during an established hunting season. The State of Idaho Department of Fish and Game establishes the hunting season; or

(b) Enter the Idaho National Guard Military Area. Idaho Military Division (IMD) personnel, National Guard units operating under IMD authorization, BLM personnel, and livestock operators authorized by BLM are exempt from this prohibition.

**Subpart 9268—Administratively Established Management Areas**

General Rules of Public Conduct and Use of BLM Administratively Established Management Areas

**§ 9268.10 What BLM rules must I follow while I'm in an outstanding natural area?**

On BLM lands in outstanding natural areas, you must not use, occupy, construct, or maintain authorized facilities in a manner that unnecessarily detracts from the quality of the outstanding natural features of the area.

**§ 9268.20 What BLM rules must I follow while I'm in a research natural area?**

Unless BLM has authorized it, you must not use, occupy, construct, or maintain facilities in a manner that is destructive or inconsistent with the purpose of the research natural area.

**§ 9268.30 What BLM rules must I follow while I'm in a Fossil Forest Research Natural Area?**

On BLM lands in the Fossil Forest Research Natural Areas, unless BLM has authorized it, you must not:

(a) Collect, excavate, or remove petrified wood either for free use as permitted under 43 CFR 3622.3 of this title or for commercial sale as permitted under 43 CFR 3610.1;

(b) Operate motorized vehicles; or

(c) Collect, excavate, remove, destroy, deface, damage, vandalize, or otherwise alter any paleontological resources.

**§ 9268.50 What BLM rules must I follow while I'm in a primitive area?**

On BLM lands in primitive areas, unless BLM has authorized it, you must not:

(a) Operate a motorized vehicle or land an aircraft except for essential search and rescue, fire control, or other emergency or administrative operations;

(b) Construct facilities in or on a primitive area except in connection with authorized nonrecreation uses and as necessary for the protection and administration of the area; or

(c) Conduct nonrecreational authorized activities except under

conditions specified by BLM to preserve the primitive characteristics of the area.

General Rules of Public Conduct and Use of BLM Resource Conservation Areas

**§ 9268.60 What BLM rules must I follow while I'm in the Empire-Cienega Resource Conservation Area?**

On BLM lands in the Empire-Cienega Resource Conservation Area, unless BLM has authorized it, you must not:

(a) Build or maintain a campfire during high or extreme fire danger periods (Local BLM fire management personnel determine high or extreme fire danger periods. Members of the public may obtain this information from local BLM offices or by notices and signs placed at the affected public land areas); or

(b) Camp or occupy longer than 14 days within 6 consecutive months.

**Subpart 9269—Local Closures, Restrictions, and Rules**

Orders to Close or Restrict Use of a Described Area

**§ 9269.1 May BLM issue orders to close or restrict my use of a described area?**

Yes. Subject to the continuing operation of the public land laws and the mining law and the rights created under them, BLM may issue orders to close or restrict your use of a described area over which BLM has jurisdiction for a reasonable time period.

**§ 9269.2 Under what circumstances may BLM issue orders to close or restrict my use of a described area?**

In order to protect the public and assure the proper use, conservation and protection of resources, BLM may issue closure orders which restrict public use and travel within described areas of BLM lands for a reasonable time period in order to do one or more of the following:

(a) Prevent or control fires or other unsafe conditions;

(b) Prevent or control disease;

(c) Prevent interference or delay of authorized mineral development, timber and livestock operations, or other authorized use of the lands;

(d) Protect property, roads, or trails and prevent excessive erosion;

(e) Protect threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish, or special biological communities and prevent unnecessary destruction of all other plant life and wildlife habitat;

(f) Protect the natural environment and resources and objects or places of historical and cultural value or



archeological, geological or paleontological interest;

(g) Protect scientific studies, resources, experiments or investigations and preserve scientific values;

(h) Protect public safety;

(i) Protect public health; or

(j) Establish reasonable rules of public conduct for a described area, including, but not limited to:

(1) Overnight camping restrictions;

(2) Restrictions on number of camping occupants per site;

(3) Motorized vehicle operation and parking restrictions;

(4) Camping and occupancy stay limits;

(5) Restrictions on shooting or discharging firearms;

(6) Use permit requirements;

(7) Collecting and gathering plant, animal, or mineral resources;

(8) Building, maintaining, attending or using a fire; or

(9) Restrictions that are complimentary to existing State and local laws and regulations concerning use of BLM lands and resources.

**§ 9269.3 What must BLM include in each order that closes or restricts use of a described area?**

Each order BLM issues must:

(a) Describe the area, lands, roads, trails or waterways that are closed or restricted;

(b) Specify the uses that are restricted;

(c) Specify the times of day or other reasonable period of time during which the area is closed and/or uses are restricted, including a date certain upon which the closure will end—if a closure is reasonably necessary for a longer time period, BLM will issue an order to extend the closure;

(d) Identify those persons who may, depending on the circumstances warranting the closure or restriction, be exempt from the closure or restriction, including one or more of the following:

(1) Persons with a permit specifically authorizing access to or use in the otherwise closed or restricted area;

(2) Owners or lessees of land in the area;

(3) Residents in the area;

(4) Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty;

(5) Persons engaged in a business, trade, or occupation in the area;

(6) Any other person meeting exemption requirements specified in the

order, including any person who has rights or interests established under the public land laws or mining law, such as grazing allottees and mining claim holders; and

(e) Describe each circumstance listed in § 9269.2 which reasonably warrant the closure or restriction.

**§ 9269.4 Must BLM orders closing or restricting use of a described area be posted?**

Yes. BLM orders closing or restricting use of an area must be posted:

In the local BLM Office with jurisdiction over the area to which the order applies; and at places near and/or within the area to which the closure or restriction applies, in a manner and location that reasonably notifies users. If you are planning to use or visit BLM lands, BLM advises you to contact a local BLM office to get further information about specific closures or restrictions which may be applicable to the area you plan to use or visit.

**§ 9269.5 Must an order closing or restricting use of a described area be published in the Federal Register before it becomes effective?**

Yes. Before an order can become effective, BLM must publish it in the Federal Register. BLM will specify in the published notice the reason why a deferred effective date and advanced public participation would be impracticable, unnecessary, or contrary to the public interest.

**§ 9269.6 What is the maximum duration of a closure or restriction order under this section?**

BLM may issue a closure or restriction order for a reasonable time period, not to exceed 12 months.

**§ 9269.7 What must BLM do to close or restrict use of a described area for longer than 12 months?**

In order for BLM to extend a closure order beyond 12 months, BLM will comply with the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553).

**§ 9269.8 Must BLM consult with the State fish and game department for closures and restrictions relating to hunting and fishing?**

Yes. Except in emergencies, closures and restrictions relating to hunting and fishing are put in effect only after BLM consults with the appropriate State fish and game department (see 43 U.S.C. 1732(b) and 43 CFR part 24).

**§ 9269.9 What are the penalties for violating a closure or restriction order?**

If you violate a closure or restriction order, you are subject to the penalties provided in 43 CFR 9260.8.

**Supplemental and Special Rules**

**§ 9269.21 What are supplemental and special rules?**

BLM issues supplemental and special rules to protect people, property, BLM lands, and resources. Supplemental and special rules are local in scope and may be temporary in duration, and are meant to conform to State and local needs and specific resource management planning objectives. They are enforceable as provided in § 9269.25 of this title.

**§ 9269.22 Where can I see a copy of a supplemental or special rule affecting a particular area?**

You may inspect rules:

(a) In each local BLM Office having jurisdiction over the lands, sites or facilities affected; and

(b) As posted near and/or within the lands, waters, sites or facilities affected.

**§ 9269.23 Must a supplemental or special rule be published in the Federal Register before it becomes effective?**

Yes. Before a supplemental or special rule becomes effective, BLM must comply with the requirements of the Administrative Procedures Act (5 U.S.C. 553), including publishing the rule in the Federal Register and a public comment period. BLM may also publish supplemental and special rules in a newspaper of general circulation in the affected vicinity, or make the rule available to the public in another way BLM considers appropriate.

**§ 9269.24 Must BLM consult with the State fish and game department for supplemental and special rules relating to hunting and fishing?**

Yes. Supplemental and special rules relating to hunting and fishing are put in effect only after BLM consults with appropriate State fish and game departments (see 43 U.S.C. 1732(b) and 43 CFR part 24).

**§ 9269.25 What are the penalties for violating a supplemental or special rule?**

If you do not comply with a supplemental or special rule, you are subject to the penalties provided in 43 CFR 9260.8.

[FR Doc. 96-28479 Filed 11-6-96; 8:45 am]

BILLING CODE 4310-84-P