

## § 2812.8-2

(1) In connection with the application made therefor, the applicant represented any material fact knowing the same to be false or made such representation in reckless disregard of the truth; or

(2) A permittee, subsequent to the issuance of a permit or right-of-way to him, represents any material fact to the Bureau, in accordance with any requirement of such permit or this paragraph, knowing such representation to be false, or makes such representation in reckless disregard of the truth.

(b) The authorized officer in his discretion may elect to terminate any permit or right-of-way issued under this paragraph, if the permittee shall fail to comply with any of the provisions of such regulations or make defaults in the performance or obligation of any of the conditions of the permit, and such failure or default shall continue for 60 days after service of written notice thereof by the authorized officer.

(c) Notice of such termination shall be served personally or by registered mail upon the permittee, shall specify the misrepresentation, failure or default involved, and shall be final, subject, however, to the permittee's right of appeal.

(d) Termination of the permit and of the right-of-way under this section shall not operate to terminate any right granted to the United States pursuant to this paragraph, nor shall it affect the right of the permittee, after the termination of his permit and right-of-way to receive compensation and to establish road operating rules with respect to roads controlled by him which the United States has the right to use and to permit its licensees to use; nor shall it relieve the permittee of his duty under this paragraph, to submit to and be bound by arbitration pursuant to §§ 2812.4-1, 2812.4-3, and 2812.4-4.

### § 2812.8-2 Remedies for violations by licensee.

(a) No licensee of the United States will be authorized to use the roads of a permittee except under the terms of a timber sale contract or a cooperative agreement with the United States which will require the licensee to com-

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ply with all the applicable provisions of this paragraph, and any agreements or awards made pursuant thereto. If a licensee fails to comply with the regulations, agreements, or awards, the authorized officer will take such action as may be appropriate under the provisions of the timber sale contract or cooperative agreement.

(b) A permittee who believes that a licensee is violating the provisions of such a timber sale contract or cooperative agreement pertaining to use of the permittee's roads, rights-of-way, or lands, may petition the authorized officer, setting forth the grounds for his belief, to take such action against the licensee as may be appropriate under the contract or the cooperative agreement. In such event the permittee shall be bound by the decision of the authorized officer, subject, however, to a right of appeal pursuant to § 2812.9 and subject, further, to the general provisions of law respecting review of administrative determinations. In the alternative, a permittee who believes that a licensee has violated the terms of the timber sale contract or cooperative agreement respecting the use of the permittee's roads may proceed against the licensee in any court of competent jurisdiction to obtain such relief as may be appropriate in the premises.

### § 2812.8-3 Disposition of property on termination of permit.

Upon the expiration or other termination of the permittee's rights, in the absence of an agreement to the contrary, the permittee will be allowed 6 months in which to remove or otherwise dispose of all property or improvements, other than the road and usable improvements to the road, placed by him on the right-of-way, but if not removed within this period, all such property and improvements shall become the property of the United States.

### § 2812.9 Appeals.

An appeal pursuant to part 4 of 43 CFR Subtitle A, may be taken from any final decision of the authorized officer, to the Board of Land Appeals, Office of the Secretary.

[41 FR 29123, July 15, 1976]

**Bureau of Land Management, Interior**

**§ 2880.0-5**

**PART 2880—RIGHTS-OF-WAY  
UNDER THE MINERAL LEASING ACT**

**Subpart 2884—Appeals**

**Subpart 2880—Oil and Natural Gas  
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2884.1 Appeals procedure.

**Subparts 2885-2886 [Reserved]**

**Subpart 2887—Over Lands Subject to  
Mineral Lease**

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- 2880.0-3 Authority.
- 2880.0-5 Definitions.
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- 2880.0-9 Information collection.

2887.0-3 Authority.

AUTHORITY: 30 U.S.C. 185, sec. 28, unless otherwise noted.

SOURCE: 44 FR 58129, Oct. 9, 1979, unless otherwise noted.

**Subpart 2881—Terms and Conditions of  
Right-of-Way Grants and Temporary  
Use Permits**

- 2881.1 Nature of interest.
  - 2881.1-1 Nature of right-of-way interest.
  - 2881.1-2 Nature of temporary use permit interest.
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- 2881.2 Terms and conditions of interest granted.
- 2881.3 Unauthorized use, occupancy or development.

**Subpart 2880—Oil and Natural  
Gas Pipelines and Related Fa-  
cilities: General**

**§ 2880.0-3 Authority.**

The provisions of this subpart are issued under the authority of section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), unless otherwise noted.

**Subpart 2882—Applications**

- 2882.1 Preapplication activity.
- 2882.2 Requirements for applications for right-of-way grants and temporary use permits.
  - 2882.2-1 Applicant qualifications.
  - 2882.2-2 Application filing.
  - 2882.2-3 Application content.
  - 2882.3 Application processing.
  - 2882.4 Interagency agreements.

**§ 2880.0-5 Definitions.**

As used in this part, the term:

(a) *Act* means section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).

(b) *Agency head* means the head of any Federal department or independent Federal office or agency, other than the Secretary of the Interior, who has jurisdiction over the surface of Federal lands.

(c) *Applicant* means any individual, partnership, corporation, association, or other business entity, or any State or local governmental entity or agency, which applies for a right-of-way grant or temporary use permit under the Act.

(d) *Authorized officer* means any employee of the department of the Interior to whom has been delegated the authority to perform the duties described in this part.

(e) *Federal lands* means all lands owned by the United States except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf.

(f) *Holder* means any individual, partnership, corporation, association, or other business entity, or any State or local governmental entity or agency

**Subpart 2883—Administration of Rights  
Granted**

- 2883.1 General requirements.
  - 2883.1-1 Cost reimbursement.
  - 2883.1-2 Rental payments.
  - 2883.1-3 Bonding.
  - 2883.1-4 Liability.
  - 2883.1-5 Common carriers.
  - 2883.1-6 Export.
- 2883.2 Holder activity.
- 2883.3 Construction procedures.
- 2883.4 Operation and maintenance.
- 2883.5 Immediate temporary suspension of activities.
- 2883.6 Suspension and termination of right-of-way grants and temporary use permits.
  - 2883.6-1 Suspension and termination of right-of-way grants.
  - 2883.6-2 Suspension and termination of temporary permits.
- 2883.7 Change in Federal jurisdiction or disposal of lands.
- 2883.8 Restoration of Federal lands.