

## Bureau of Land Management, Interior

## § 2882.1

(4) To do everything reasonably within his or her power, both independently and upon request of the authorized officer, to prevent and suppress fires on or near the right-of-way and related facilities. This includes making available such construction and maintenance forces as may be reasonably obtained for the suppression of fires.

(b) All right-of-way grants and temporary use permits issued, renewed, or amended under these regulations shall contain such terms, conditions, and stipulations as may be prescribed by the authorized officer regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination. The authorized officer shall impose stipulations which shall include, but shall not be limited to:

(1) Requirements for restoration, revegetation, and curtailment of erosion of the surface of the land;

(2) Requirements to insure that activities in connection with the right-of-way grant or temporary use permit shall not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal and State law;

(3) Requirements designed to control or prevent damage to the environment (including damage to fish and wildlife habitat), damage to public or private property, and hazards to public health and safety; and

(4) Requirements to protect the interests of individuals living in the general vicinity of the right-of-way or temporary use permit area who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes.

(c) Right-of-way grants or temporary use permits issued, renewed, or amended under this title shall include requirements which comply with applicable Federal and State law that will protect the safety and health of pipeline workers and the general public, including, but not limited to, protection against the sudden rupture and slow degradation of the pipeline. Applicants and holders shall design, construct, operate, and maintain all facilities in accordance with applicable Federal and

State law governing pipelines and pipeline construction.

[44 FR 58129, Oct. 9, 1979, as amended at 52 FR 25821, July 8, 1987]

### § 2881.3 Unauthorized use, occupancy or development.

Any use, occupancy, or development of the public lands that requires a right-of-way, temporary use permit, or other authorization pursuant to the regulations in this part, and that has not been so authorized, or that is beyond the scope and specific limitations of such authorization, or that causes unnecessary or undue degradation, is prohibited and shall constitute a trespass as defined in § 2800.0-5. Anyone determined by the authorized officer to be in trespass on the public lands shall be notified in writing of such trespass and shall be liable to the United States for all costs and payments determined in the same manner as set forth at § 2801.3, part 2800 of this title.

[54 FR 25855, June 20, 1989]

## Subpart 2882—Applications

### § 2882.1 Preapplication activity.

(a) Upon determining that a proposed pipeline project is contemplated which would cross Federal lands under the jurisdiction of the Department of the Interior, or two or more Federal agencies, the proponent of such project is encouraged to promptly notify the appropriate office identified in § 2882.2-2 of this title or the Secretary.

(b) The authorized officer shall provide guidance to the pipeline project proponent as to:

(1) Routing constraints which exist because of current land status as reflected in land use plans and land status records;

(2) Necessary information to be included in applications for right-of-way grants or temporary use permits;

(3) Qualifications required of applicants; and

(4) Identification of on-the-ground investigations which will require temporary use permits.

(c) No right-of-way applications processing work, other than that incurred in the processing of applications for permits for temporary use of public

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lands in furtherance of the filing of an application and preapplication guidance under paragraph (b) of this section, shall be undertaken by the authorized officer prior to the filing of an application together with an advance payment as required by § 2883.1–1 of this title. Such processing work includes, but is not limited to, special studies such as environmental analyses, environmental impact statements, engineering surveys, resource inventories and detailed land use or record analyses.

(d) No activities, other than casual use, such as, but not limited to, vehicle use on existing roads, sampling, marking of routes, searching, or other similar activities that do not disturb the surface of the lands or require the removal of vegetation, shall be conducted on Federal lands prior to the issuance of a right-of-way grant or a temporary use permit.

[44 FR 58129, Oct. 9, 1979, as amended at 47 FR 38807, Sept. 2, 1982; 50 FR 1309, Jan. 10, 1985; 51 FR 31765, Sept. 5, 1986]

### § 2882.2 Requirements for applications for right-of-way grants and temporary use permits.

#### § 2882.2–1 Applicant qualifications.

(a) An applicant for a right-of-way grant or temporary use permit shall be a citizen of the United States, an association of such citizens, a corporation organized under the laws of the United States, or of any State thereof, or a State or local government. Aliens may not acquire or hold any direct or indirect interest in rights-of-way, right-of-way grants or temporary use permits, except that they may own or control stock in corporations holding rights-of-way, right-of-way grants or temporary use permits if the laws of their country do not deny similar or like privileges to citizens of the United States.

(b) Each application by a partnership, corporation, association, or other business entity shall disclose the identity of the participants in the entity and shall include where applicable:

(1) The name, address, and citizenship of each participant (partner, associate or other);

(2) Where the applicant is a corporation, the name, address, and citizenship

of each shareholder owning 3-percent or more of each class of shares, together with the number and percentage of any class of voting shares of the entity which each shareholder is authorized to vote; and

(3) The name and address of each affiliate controlled by, or that controls, the entity, either directly or indirectly. Where an affiliate is controlled by the entity, the application shall disclose the number of shares and the percentage of each class of voting stock of that affiliate owned, directly or indirectly, by the entity. If an affiliate controls the entity, the number of shares and the percentage of each class of voting stock of the entity owned, directly or indirectly, by the affiliate shall be included.

(c) Applications filed with Federal agencies, such as the Federal Energy Regulatory Commission, to obtain a license, certificate or other authority for a project involving a right-of-way over, upon, under or through Federal lands for an oil and gas pipeline shall be simultaneously filed with the Bureau of Land Management in accordance with the provisions of § 2882.2–3 of this title.

[44 FR 58129, Oct. 9, 1979, as amended at 47 FR 12571, Mar. 23, 1982]

#### § 2882.2–2 Application filing.

(a) Where the Federal lands involved are under the jurisdiction of the Bureau of Land Management, Department of the Interior, application for a right-of-way grant or temporary use permit or for a renewal of either shall be filed with either the Area Manager, the District Manager or the State Director of a Bureau of Land Management office having jurisdiction over the Federal lands involved.

(b) Where the Federal lands involved are under the jurisdiction of two or more agencies of the Department of the Interior, or where the Federal lands involved are under the jurisdiction of one or more agencies of the Department of the Interior and one or more other Federal agencies, or where the Federal lands involved are under the jurisdiction of two or more non-Interior agencies, the initial application for a right-of-way grant or temporary use permit may be filed at the most convenient State Office of the Bureau of Land

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Management, at locations listed in § 1821.2-1 of this title or at the nearest Bureau of Land Management Office that has jurisdiction over a portion of the Federal lands involved. The Director, Bureau of Land Management will, upon notice of the application by field officials, assign a lead official and notify the applicant where all future communications concerning the project should be directed. All applications for temporary use permits that are filed subsequent to the filing of an application for a right-of-way grant shall be filed with the lead official. Applications for renewal of a right-of-way grant or temporary use permit shall be filed with the lead official.

(c) Where the Federal lands involved are under the jurisdiction of but one Federal agency, including bureaus and agencies within the Department of the Interior other than the Bureau of Land Management, applications for a right-of-way grant or temporary use permit or renewal of either shall be directed to that agency.

[44 FR 58129, Oct. 9, 1979, as amended at 45 FR 34887, May 23, 1980; 47 FR 12571, Mar. 23, 1982]

### § 2882.2-3 Application content.

(a) Applications for right-of-way grants and temporary use permits shall be filed on a form approved by the Director. The application form shall contain instructions for completion of the form and shall require the following information:

(1) The name and address of the applicant and the applicant's agent, if appropriate;

(2) A description of the applicant's proposal;

(3) A map, USGS quadrangle, aerial photo or equivalent, showing the approximate location of the proposed right-of-way and facilities on public lands and existing improvements adjacent to the proposal, shall be attached to the application. Only the existing adjacent improvements which the proposal may directly affect need be shown on the map;

(4) A statement of the applicant's technical and financial capability to construct, operate, maintain and terminate the proposals;

(5) Certification by the applicant that he/she is of legal age, authorized

to do business in the State and that the information submitted is correct to the best of the applicant's knowledge; and

(6) Disclose, to the extent applicable, the applicant's citizenship and the partnership, corporation, association and other business entity information required by § 2882.2-1 of this title.

(b) The applicant may submit additional information to assist the authorized officer in processing the application. Such information may include, but is not limited to, the following:

(1) Federal or State approvals required for the proposal;

(2) A description of the alternative route(s) and mode(s) considered by the applicant when developing the proposal;

(3) Copies of or reference to similar applications or grants the applicant has submitted or holds;

(4) A statement of need and economic feasibility or other proposal; and

(5) A statement of the environmental, social and economic effects of the proposal.

[47 FR 12571, Mar. 23, 1982]

### § 2882.3 Application processing.

(a) The Secretary shall notify the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources promptly upon receipt of an application for a right-of-way grant for a pipeline 24 inches or more in diameter and no right-of-way grant for such a pipeline shall be issued until 60 days (not counting days on which the House of Representatives or the Senate has adjourned for more than 3 days) after a notice of intention to issue the right-of-way grant, together with the authorized officer's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period.

(b) Upon receipt of an application for a right-of-way grant, the authorized officer shall publish a notice of the application in the FEDERAL REGISTER and an announcement in a newspaper or newspapers having general circulation in the vicinity of the Federal lands affected, or, if in the opinion of the authorized officer, the pipeline impacts