

Bureau of Land Management, Interior

§ 2880.0-5

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

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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.

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§ 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

§ 2880.0-5 Definitions.

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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.

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 - 2883.6-1 Suspension and termination of right-of-way grants.
 - 2883.6-2 Suspension and termination of temporary permits.
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(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

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which has received a right-of-way grant or temporary use permit under the Act.

(g) *Oil or gas* means oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

(h) *Temporary use permit* means a revocable nonpossessory privilege to use specified Federal lands in the vicinity of a right-of-way in connection with the construction, operation, maintenance, or termination of a pipeline or for the protection of the natural environment or public safety.

(i) *Pipeline* means a line of traversing Federal lands for transportation of oil or gas. The term includes feeder lines, trunk lines, and related facilities, but does not include a lessee's or lease operator's production facilities located on his lease.

(j) *Pipeline system* means all facilities, whether or not located on Federal lands, used by a holder in connection with the construction, operation, maintenance, or termination of a pipeline.

(k) *Production facilities* means a lessee's or lease operator's pipes and equipment used on his lease solely to aid in his extraction, storage, and processing of oil and gas. The term includes storage tanks and processing equipment, and gathering lines upstream from such tanks and equipment, or in the case of gas, upstream from the point of delivery. The term also includes pipes and equipment, such as water and gas injection lines, used in the production process for purposes other than carrying oil and gas downstream from the wellhead.

(l) *Related facilities* means those structures, devices, improvements, and sites, the substantially continuous use of which is necessary for the operation or maintenance of a pipeline, which are located on Federal lands, and which are authorized under the Act, including but not limited to: Supporting structures; airstrips; roads; campsites; pump stations, including associated heliports, structures, yards, and fences; valves, and other control devices; surge and storage tanks; bridges; monitoring and communication devices and structures housing them; terminals, including structures, yards, docks, fences,

and storage tank facilities; retaining walls, berms, dikes, ditches, cuts, and fills; structures and areas for storing supplies and equipment. Related facilities may be connected or nonconnected or contiguous or noncontiguous to the pipe.

(m) *Right-of-way* means the Federal land authorized to be occupied pursuant to a right-of-way grant.

(n) *Right-of-way grant* means a document authorizing a nonpossessory, nonexclusive right to use Federal lands for the limited purpose of construction, operation, maintenance, and termination of a pipeline.

(o) *Secretary* means the Secretary of the Interior.

[44 FR 58129, Oct. 9, 1979, as amended at 45 FR 59880, Sept. 11, 1980]

§ 2880.0-7 Scope.

(a) These regulations apply to any application now on file or hereafter filed with Federal agencies for issuance, modification, or renewal of a right-of-way grant or a temporary use permit, except where the surface of the Federal lands involved in the right-of-way or temporary use permit area is under the jurisdiction of a single Federal agency, including bureaus and agencies within the Department of the Interior, other than the Bureau of Land Management.

(b) In addition, the provisions of § 2883.5 of this title apply to all right-of-way grants and temporary use permits heretofore issued pursuant to section 28 of the Mineral Leasing Act by the Bureau of Land Management, and to permits, grants, and other authorizations heretofore issued by the Secretary or his delegate in connection with the Trans-Alaska Oil Pipeline System (TAPS). Further, the permits, grants and other authorizations heretofore and hereafter issued by the Secretary or his delegate in connection with the Trans-Alaska Pipeline System are subject to § 2883.1-1 of this title.

(c) The regulations of this part do not apply to the reservation of rights-of-way for Federal departments or agencies. Such rights-of-way shall be