

From: <Saved by Windows Internet Explorer 7>
Subject: Electronic Code of Federal Regulations:
Date: Tue, 23 Nov 2010 13:43:12 -0500
MIME-Version: 1.0
Content-Type: multipart/related;
 type="text/html";
 boundary="-----_NextPart_000_0000_01CB8B14.5F3581A0"
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.5994

This is a multi-part message in MIME format.

-----_NextPart_000_0000_01CB8B14.5F3581A0
Content-Type: text/html;
 charset="iso-8859-1"
Content-Transfer-Encoding: quoted-printable
Content-Location: http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?
c=ecfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=div5&view=text&node=43:2.1.1.4.9
2&idno=43

```
<!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.0 Transitional//EN">
<HTML><HEAD><TITLE>Electronic Code of Federal Regulations:</TITLE>
<META http-equiv=3DContent-Type content=3D"text/html; =
charset=3Diso-8859-1"><!-- InstanceBegin =
template=3D"/Templates/NEW_ecfr.dwt" codeOutsideHTMLIsLocked=3D"false" =
--><!-- #BeginEditable "doctitle" --><!-- #EndEditable -->
<META content=3D"text/html; charset=3Diso-8859-1" =
HTTP=3D'equiv=3D"Content-Type"'><LINK=20
href=3D"http://ecfr.gpoaccess.gov/e/ecfr/styles/styles.css" =
type=3Dtext/css=20
rel=3Dstylesheet><LINK media=3Dprint=20
href=3D"http://ecfr.gpoaccess.gov/e/ecfr/styles/print.css" =
type=3Dtext/css=20
rel=3Dstylesheet><!-- InstanceBeginEditable name=3D"head" --><!-- =
InstanceEndEditable -->
<STYLE>.white {
    PADDING-RIGHT: 0px; PADDING-LEFT: 0px; PADDING-BOTTOM: 0px; MARGIN: =
0px; COLOR: #ffffff; PADDING-TOP: 0px
}
</STYLE>

<SCRIPT>
<!-- Cloak code
function leapto(form)
{
var site=3Dform.dest.selectedIndex;

if (site>=3D1)

{ location=3Dform.dest.options[site].value; }

}
// Decloak -->
</SCRIPT>
<NOSCRIPT>
<META content=3D"MSHTML 6.00.6000.17092" name=3DGENERATOR></HEAD>
<BODY leftMargin=3D0 topMargin=3D0><A=20
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3D=
b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D=
43:2.1.1.4.92&idno=3D43#content"><IMG=20
alt=3D"Skip to content." =
src=3D"http://www.gpoaccess.gov/images/spacer.gif"=20
border=3D0></A><A=20
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3D=
b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D=
```

43:2.1.1.4.92&idno=3D43#links"><IMG=20
alt=3D"Skip to side navigation." =
src=3D"http://www.gpoaccess.gov/images/spacer.gif"=20
border=3D0> Quick Navigation:=20

<A href=3D"http://www.gpoaccess.gov/topics/index.html" =
SELECTED>Resources by=20
Topic=20
Business =
&=20
Economy=20
<A =
href=3D"http://www.gpoaccess.gov/topics/education.html">Education=20
<A =
href=3D"http://www.gpoaccess.gov/topics/environment.html">Environment=
=20

Food & =
Drugs=20
Grants =
&=20
Awards=20
Health =
&=20
Safety=20
Military =
&=20
Security=20
Science =
&=20
Technology=20
Social=20
Programs=20
<A=20
=
href=3D"http://www.gpoaccess.gov/topics/transportation.html">Transportati=
on=20
</NOSCRIPT><!-- Beginning of top navigation. Do not modify. =
-->
<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D"100%" border=3D0>
<TBODY>
<TR id=3Dtopnav><A=20
=
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3D=
b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D=
43:2.1.1.4.92&idno=3D43#content"><IMG=20
alt=3D"Skip to content." =
src=3D"http://www.gpoaccess.gov/images/spacer.gif"=20
border=3D0><A=20
=
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3D=
b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D=
43:2.1.1.4.92&idno=3D43#links"><IMG=20
alt=3D"Skip to side navigation."=20
src=3D"http://www.gpoaccess.gov/images/spacer.gif" =
border=3D0></TR>
<TR>
<TD id=3Dtopnav background=3Dhttp://www.gpoaccess.gov/images/bg.gif=20
bgColor=3D#333399>
<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D700 border=3D0>
<TBODY>
<TR>
<TD vAlign=3Dbottom bgColor=3D#ffffff rowSpan=3D2><A=20
href=3D"http://www.gpoaccess.gov/"><IMG height=3D69=20

```
alt=3D"GPO Access Home Page."=20
src=3D"http://www.gpoaccess.gov/images/nav_01.gif" =
width=3D132=20
border=3D0></A></TD>
<TD>
<TABLE height=3D38 cellSpacing=3D0 cellPadding=3D2 =
width=3D568 border=3D0>
<TBODY>
<TR>
<FORM name=3DquickNav>
<TD vAlign=3Dbottom align=3Dleft bgColor=3D#ffffff =
colSpan=3D2=20
height=3D3><DIV align=3Dright><LABEL class=3Dwhite=20
for=3Dlabel_for_menu>Quick Navigation:</LABEL> <SELECT =
id=3Dlabel_for_menu=20
style=3D"FONT-SIZE: 9pt; MARGIN: 0px; WIDTH: 145px; =
FONT-FAMILY: Arial, Helvetica, sans-serif"=20
size=3D1 name=3DquickNavBar> <OPTION=20
value=3Dhttp://www.gpoaccess.gov/topics/index.html=20
selected>Resources by Topic</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/business.html>Business=20
&amp; Economy</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/education.html>Education</OPTION>=
=20
<OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/environment.html>Environment</OPT=
ION>=20
<OPTION =
value=3Dhttp://www.gpoaccess.gov/topics/food.html>Food=20
&amp; Drugs</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/grants.html>Grants=20
&amp; Awards</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/health.html>Health=20
&amp; Safety</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/military.html>Military=20
&amp; Security</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/science.html>Science=20
&amp; Technology</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/programs.html>Social=20
Programs</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/transportation.html>Transportatio=
n</OPTION></SELECT>=20
<A title=3D"Jump to selected topic."=20
=
href=3D"javascript:location=3Ddocument.quickNav.quickNavBar.options[docum=
ent.quickNav.quickNavBar.selectedIndex].value"><IMG=20
alt=3D"Jump to selected topic." hspace=3D0=20
src=3D"http://www.gpoaccess.gov/images/go.gif" =
align=3DabsBottom=20
border=3D0 VALUE=3D""></A></DIV></TD></FORM><A =
name=3Dsearch></A>
<FORM name=3Dquery=20
action=3Dhttp://www.firstgov.gov/fgsearch/index.jsp>
<TD vAlign=3Dbottom align=3Dmiddle width=3D70 =
```

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bgColor=#ffffff>
<DIV class=search align=right><LABEL =
for=xmw0>Site=
Search:</LABEL> <BR><A=
=
href="http://www.gpoaccess.gov/advancedsearch.html"><SPAN=
class=search>advanced</SPAN></A></DIV></TD>
<TD vAlign=bottom align=left width=151 =
bgColor=#ffffff>
<DIV align=right><INPUT id=xmw0=
style="FONT-SIZE: 9pt; MARGIN: 0px; WIDTH: 110px; =
FONT-FAMILY: Arial, Helvetica, sans-serif">
maxLength=50 align=absMiddle name=xmw0> <INPUT=
onkeypress=document.query.submit();=
onclick=document.query.submit(); type=Image=
alt="Submit Search"=
src="http://www.gpoaccess.gov/images/go.gif" =
align=absMiddle=
border=0> <INPUT type=hidden value=0010 =
name=adv> <INPUT=
type=hidden value=10 name=nr> <INPUT =
type=hidden value=www=
name=db> <INPUT type=hidden value=0 name=fr> =
<INPUT=
type=hidden value=all name=mt0> <INPUT =
type=hidden=
value=should name=ms0> <INPUT type=hidden =
value=detailed=
name=de> <INPUT type=hidden value=domain =
name=pl> <INPUT=
type=hidden value="gpoaccess.gov, gpo.gov" =
name=domain>=
</DIV></TD></FORM></TR></TBODY></TABLE></TD></TR>
<TR>
<TD><IMG height=44 alt="Navigation Bar"=
src="http://www.gpoaccess.gov/images/nav_03.gif" =
width=568=
useMap=#Map =
border=0></TD></TR></TBODY></TABLE></TD></TR></TBODY></TABLE><MAP=
name=Map><AREA shape=POLY alt=About. =
coords=3D470,2,529,2,515,19,457,18=
href="http://www.gpoaccess.gov/about/index.html"><AREA shape=POLY =
alt=Help.=
coords=3D407,2,466,2,452,19,394,18=
href="http://www.gpoaccess.gov/help/index.html"><AREA=
title="A-Z Resource List." shape=RECT alt="A-Z Resource List."=
coords=3D1,23,121,43 =
href="http://www.gpoaccess.gov/databases.html"><AREA=
title="Locate a Federal Depository Library." shape=RECT=
alt="Locate a Federal Depository Library." coords=3D124,24,332,43=
href="http://www.gpoaccess.gov/libraries.html"><AREA title="Buy =
Publications."=
shape=RECT alt="Buy Publications." coords=3D335,22,444,43=
href="http://bookstore.gpo.gov/"><AREA title="Legislative. =
shape=RECT=
alt="Legislative. coords=3D0,1,115,21=
href="http://www.gpoaccess.gov/legislative.html"><AREA =
title="Executive.=
shape=RECT alt="Executive. coords=3D119,1,223,20=
href="http://www.gpoaccess.gov/executive.html"><AREA =
title="Judicial.=
shape=RECT alt="Judicial. coords=3D227,1,310,21=
href="http://www.gpoaccess.gov/judicial.html"></MAP><!--End of top =
navigation. -->
```

```

<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D700 border=3D0>
  <TBODY>
    <TR>
      <TD id=3Dleftnav vAlign=3Dtop width=3D5 bgColor=3D#333399><IMG =
alt=3D" "=20
      src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/spacer.gif" =
width=3D5></TD>
      <TD id=3Dleftnav vAlign=3Dtop width=3D135 bgColor=3D#333399>
        <DIV align=3Dcenter><A name=3Dlinks></A><IMG height=3D122=20
alt=3D"National Archives and Records Administration logo."=20
src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/narablue.gif" =
width=3D120>=20
        </DIV><!-- #BeginLibraryItem "/library/leftnav.lbi" -->
        <TABLE cellSpacing=3D0 cellPadding=3D0 width=3D137 =
bgColor=3D#ffffff border=3D0>
          <TBODY>
            <TR vAlign=3Dtop align=3Dleft>
              <TD colspan=3D2 height=3D12>
                <DIV align=3Dcenter><IMG height=3D16 alt=3D"Database =
Features."=20
                =
src=3D"http://ecfr.gpoaccess.gov/images/applicationfeatures.gif"=20
width=3D137></DIV></TD></TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD colspan=3D2 height=3D5><IMG height=3D5 alt=3D" "=20
                =
src=3D"http://ecfr.gpoaccess.gov/images/spacer.gif"></TD></TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD class=3Dside width=3D13 height=3D2>
                  <DIV align=3Dcenter>=95</DIV></TD>
                <TD class=3Dside height=3D20><A=20
                =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;tpl=3D%2Findex.tpl">Browse</A></TD><=
/TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD class=3Dside height=3D2>
                  <DIV align=3Dcenter>=95</DIV></TD>
                <TD class=3Dside height=3D20><A=20
                =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;page=3Dsimple">Simple=20
Search </A></TD></TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD class=3Dside height=3D19>
                  <DIV align=3Dcenter>=95</DIV></TD>
                <TD class=3Dside height=3D19><FONT face=3D"Arial, Helvetica, =
sans-serif"=20
color=3D#000011>Advanced Search </FONT></TD></TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD class=3Dside height=3D2>
                  <DIV align=3Dcenter></DIV></TD>
                <TD class=3Dside height=3D20>*<A=20
                =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;page=3Dboolean">=20
Boolean</A></TD></TR>
              <TR align=3Dmiddle>
                <TD height=3D20>&nbsp;</TD>
                <TD class=3Dside align=3Dleft>*<A=20
                =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;page=3Dproximity">Proximity</A></TD>=
</TR>

```

```
<TR vAlign=3Dtop align=3Dleft>
  <TD class=3Dside align=3Dmiddle height=3D2>=95</TD>
  <TD class=3Dside height=3D20><A=20
    =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;page=3Dhistory">Search=20
  History</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside align=3Dmiddle height=3D2>=95</TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;tpl=3Dsearch.tpl">Search=20
    Tips</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside height=3D2>
      <DIV align=3Dcenter>=95</DIV></TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;tpl=3Dcorrectionspage.tpl">Correctio=
ns</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside height=3D2>
      <DIV align=3Dcenter>=95</DIV></TD>
    <TD class=3Dside height=3D20>
      <P><A=20
        =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;tpl=3Dupdate.tpl">Latest=20
      Updates</A></P></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside align=3Dmiddle height=3D2>=95</TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;tpl=3Dabout.tpl">User=20
      Info</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside align=3Dmiddle height=3D2>=95</TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;tpl=3Dfaq.tpl">FAQs</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside height=3D2>
      <DIV align=3Dcenter>=95</DIV></TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;tpl=3D%2Fagencylist.tpl">Agency=20
      List</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside height=3D2>
      <DIV align=3Dcenter>=95</DIV></TD>
    <TD class=3Dside height=3D35><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=
1ef7072665ae58b65af&amp;c=3Decfr&amp;tpl=3Dibr.tpl">Incorporation=20
      by Reference</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside height=3D2>
      <DIV align=3Dcenter>=95</DIV></TD>
    <TD class=3Dside height=3D20><A=20
```

=
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3Db1420a5a6c4de=1ef7072665ae58b65af&c=3Decfr&tpl=3D%2Findex.tpl">e-CFR=20
Main Page</TD></TR>
<TR vAlign=3Dtop align=3Dleft>
<TD colspan=3D2 height=3D2><IMG height=3D16 alt=3D" "=20
src=3D"http://ecfr.gpoaccess.gov/images/bottom.gif"=20
width=3D137></TD></TR></TBODY></TABLE>
<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D137 =
bgColor=3D#ffffff border=3D0>
<TBODY>
<TR vAlign=3Dtop align=3Dleft>
<TD colspan=3D2 height=3D12>
<DIV align=3Dcenter><IMG height=3D16 alt=3D"Related =
Resources"=20
src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/related.gif"=20
width=3D137></DIV></TD></TR>
<TR vAlign=3Dtop align=3Dleft>
<TD colspan=3D2 height=3D5><IMG height=3D5 alt=3D" "=20
=
src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/spacer.gif"></TD></TR>
<TR vAlign=3Dtop align=3Dleft>
<TD class=3Dside width=3D13 height=3D2>
<DIV align=3Dcenter>=95</DIV></TD>
<TD class=3Dside height=3D35><A=20
href=3D"http://www.gpoaccess.gov/cfr/index.html">Code of =
Federal=20
Regulations</TD></TR>
<TR vAlign=3Dtop align=3Dleft>
<TD class=3Dside height=3D2>
<DIV align=3Dcenter>=95</DIV></TD>
<TD class=3Dside height=3D20><A=20
href=3D"http://www.gpoaccess.gov/fr/index.html">Federal=20
Register</TD></TR>
<TR vAlign=3Dtop align=3Dleft>
<TD class=3Dside height=3D2>
<DIV align=3Dcenter>=95</DIV></TD>
<TD class=3Dside height=3D35><A=20
href=3D"http://www.gpoaccess.gov/lsa/index.html">List of=20
CFR
Sections Affected</TD></TR>
<TR vAlign=3Dtop align=3Dleft>
<TD class=3Dside height=3D2>
<DIV align=3Dcenter>=95</DIV></TD>
<TD class=3Dside width=3D132 height=3D20><A=20
=
href=3D"http://www.regulations.gov/">Regulations.gov</TD></TR>
<TR vAlign=3Dtop align=3Dleft>
<TD class=3Dside height=3D2>
<DIV align=3Dcenter>=95</DIV></TD>
<TD class=3Dside width=3D132 height=3D20><A=20
href=3D"http://www.gpoaccess.gov/ua/index.html">Unified=20
Agenda</TD></TR>
<TR vAlign=3Dtop align=3Dleft>
<TD class=3Dside height=3D2>
<DIV align=3Dcenter>=95</DIV></TD>
<TD class=3Dside width=3D132 height=3D20><A=20
href=3D"http://www.gpoaccess.gov/nara/index.html">All NARA=20
Publications</TD></TR>
<TR vAlign=3Dtop align=3Dleft>
<TD colspan=3D2 height=3D2><IMG height=3D16 alt=3D" "=20
src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/bottom.gif"=20
width=3D137></TD></TR></TBODY></TABLE>
<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D137 =
bgColor=3D#ffffff border=3D0>

```
<TBODY>
<TR vAlign=3Dtop align=3Dleft>
  <TD colspan=3D3 height=3D12>
    <DIV align=3Dleft><IMG height=3D16 alt=3D"About Government." =
      src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/learn.gif"=20
      width=3D137></DIV></TD></TR>
<TR vAlign=3Dtop align=3Dleft>
  <TD colspan=3D3 height=3D5><IMG height=3D5 alt=3D" "=20
    src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/spacer.gif"=20
    width=3D1></TD></TR>
<TR vAlign=3Dtop align=3Dleft>
  <TD width=3D52 height=3D10>
    <DIV align=3Dleft><A href=3D"http://bensguide.gpo.gov/"><IMG =
height=3D52=20
    alt=3D"Ben's Guide Logo." hspace=3D2=20
    src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/ben2.gif" =
width=3D48=20
    border=3D0></A></DIV></TD>
  <TD class=3Dside width=3D85 height=3D10>
    <DIV align=3Dleft><A =
href=3D"http://bensguide.gpo.gov/">Ben's=20
    Guide<BR>to U.S.<BR>Government</A></DIV></TD></TR>
<TR vAlign=3Dtop align=3Dleft>
  <TD colspan=3D3 height=3D2><IMG height=3D16 alt=3D" "=20
    src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/bottom.gif"=20
    width=3D137></TD></TR></TBODY></TABLE><!-- #EndLibraryItem -->
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**Title 43:20
Public Lands: Interior**
[Part Top](#)

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PART 4100=97GRAZING ADMINISTRATION=97EXCLUSIVE OF ALASKA

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Section Contents

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4100=97Grazing Administration=97Exclusive of Alaska;
General

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Objectives.

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Authority.

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[A7 4100.0-5](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=Decfr&sid=Db1420a5a6c4de1ef7072665ae58b65af&rgn=Div5&view=Text&node=43:2.1.1.4.92&idno=43#43:2.1.1.4.92.1.180.4)
Definitions.

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Cross
reference.

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[A7 4100.0-8](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=Decfr&sid=Db1420a5a6c4de1ef7072665ae58b65af&rgn=Div5&view=Text&node=43:2.1.1.4.92&idno=43#43:2.1.1.4.92.1.180.6)
Land
use plans.

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[A7 4100.0-9](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=Decfr&sid=Db1420a5a6c4de1ef7072665ae58b65af&rgn=Div5&view=Text&node=43:2.1.1.4.92&idno=43#43:2.1.1.4.92.1.180.7)

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range improvement agreements.
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design and stipulations.
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of range improvements.
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and compensation for loss of range =
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rights for the purpose of livestock grazing on public=20
lands.
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rules.
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terms and conditions.
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of temporary changes in grazing use within the terms and = conditions of=20

permits and leases, including temporary = nonuse.
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grazing permits and leases.
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permits.
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and identification of livestock.
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Act.

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Grazing Administration</CENTER>
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<P>Authority: 43 U.S.C. 315, =
315a-315r,=20

1181d, 1740.</PSPACE>

<P>Source: 43 FR 29067, July 5, =
1978,=20

unless otherwise noted.</PSPACE>
<H5>Subpart 4100=97Grazing Administration=97Exclusive of Alaska;=20
General</H5><A=20

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<P>The purpose is to provide uniform guidance for administration =

of=20
grazing on the public lands exclusive of Alaska.</P>

<P>[49 FR 6449, Feb. 21, 1984]</P>

<H5>=A7 4100.0-2 Objectives.</H5><A=20

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<P>(a)The objectives of these regulations are to promote healthy=20 sustainable rangeland ecosystems; to accelerate restoration and=20 improvement of public rangelands to properly functioning = conditions; to=20

promote the orderly use, improvement and development of the public = lands;=20

to establish efficient and effective administration of grazing of = public=20

rangelands; and to provide for the sustainability of the western = livestock=20

industry and communities that are dependent upon productive, = healthy=20

public rangelands.</P>

<P>(b) These objectives will be realized in a manner consistent = with land=20

use plans, multiple use, sustained yield, environmental values, = economic=20

and other objectives stated in the Taylor Grazing Act of June 28, = 1934, as=20

amended (43 U.S.C. 315, 315a=96315r); section 102 of the Federal = Land Policy=20

and Management Act of 1976 (43 U.S.C. 1701) and the Public = Rangelands=20

Improvement Act of 1978 (43 U.S.C. 1901(b)(2)).</P>

<P>[60 FR 9960, Feb. 22, 1995, as amended at 71 FR 39503, July 12, =

2006]</P>

<H5>=A7 4100.0-3 Authority.</H5><A=20

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<P>(a) The Taylor Grazing Act of June 28, 1934 as amended (43 = U.S.C. 315,=20

315a through 315r);</P>

<P>(b) The Federal Land Policy and Management Act of 1976 (43 = U.S.C. 1701=20

<I>et seq. </I>) as amended by the Public Rangelands Improvement = Act of=20

1978 (43 U.S.C. 1901 <I>et seq. </I>);</P>

<P>(c) Executive orders that transfer land acquired under the=20 Bankhead-Jones Farm Tenant Act of July 22, 1937, as amended (7 = U.S.C.=20

1012), to the Secretary and authorize administration under the = Taylor=20

Grazing Act.</P>

<P>(d) Section 4 of the Oregon and California Railroad Land Act of = August=20

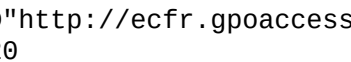
28, 1937 (43 U.S.C. 1181d);</P>

(e) The Public Rangelands Improvement Act of 1978 (43 U.S.C. = 1901 *et seq.*); and

(f) Public land orders, Executive orders, and agreements that = authorize the Secretary to administer livestock grazing on specified lands = under the Taylor Grazing Act or other authority as specified.

[43 FR 29067, July 5, 1978, as amended at 49 FR 6449, Feb. 21, = 1984; 49 FR 12704, Mar. 30, 1984; 50 FR 45827, Nov. 4, 1985; 61 FR 4227, = Feb. 5, 1996; 71 FR 39503, July 12, 2006]

[43:2.1.1.4.92.1.180.4](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D43:2.1.1.4.92&idno=3D43#PartTop) = [Definitions](#)



Whenever used in this part, unless the context otherwise = requires, the following definitions apply:

The *Act* means the Taylor Grazing Act of June 28, 1934, = amended (43 U.S.C. 315, 315a-96315r).

Active use means that portion of the grazing preference = that is:

- (1) Available for livestock grazing use under a permit or lease = based on livestock carrying capacity and resource conditions in an = allotment; and
- (2) Not in suspension.

Activity plan means a plan for managing a resource use = or value to achieve specific objectives. For example, an allotment = management plan is an activity plan for managing livestock grazing use to improve = or maintain rangeland conditions.

Actual use means where, how many, what kind or class of = livestock, and how long livestock graze on an allotment, or on a = portion or pasture of an allotment.

Actual use report means a report of the actual livestock = grazing use submitted by the permittee or lessee.

Affiliate means an entity or person that controls, is = controlled by, or is under common control with, an applicant, permittee or = lessee. The term *control* means having any relationship which gives = an entity person authority directly or indirectly to determine the manner in = which an applicant, permittee or lessee conducts grazing operations.

Allotment means an area of land designated and managed = for

grazing of livestock.</P>
<P><I>Allotment management plan (AMP) </I>means a documented =
program=20
developed as an activity plan, consistent with the definition at =
43 U.S.C.=20
1702(k), that focuses on, and contains the necessary instructions =
for, the=20
management of livestock grazing on specified public lands to meet =
resource=20
condition, sustained yield, multiple use, economic and other=20
objectives.</P>
<P><I>Animal unit month (AUM) </I>means the amount of forage =
necessary for=20
the sustenance of one cow or its equivalent for a period of 1 =
month.</P>
<P><I>Annual rangelands </I>means those designated areas in which=20
livestock forage production is primarily attributable to annual =
plants and=20
varies greatly from year to year.</P>
<P><I>Authorized officer </I>means any person authorized by the =
Secretary=20
to administer regulations in this part.</P>
<P><I>Base property </I>means: (1) Land that has the capability to =
produce=20
crops or forage that can be used to support authorized livestock =
for a=20
specified period of the year, or (2) water that is suitable for=20
consumption by livestock and is available and accessible, to the=20
authorized livestock when the public lands are used for livestock=20
grazing.</P>
<P><I>Cancelled or cancellation </I>means a permanent termination =
of a=20
grazing permit or grazing lease and grazing preference, or =
free-use=20
grazing permit or other grazing authorization, in whole or in =
part.</P>
<P><I>Class of livestock </I>means ages and/or sex groups of a =
kind of=20
livestock.</P>
<P><I>Consultation, cooperation, and coordination </I>means =
interaction=20
for the purpose of obtaining advice, or exchanging opinions on =
issues,=20
plans, or management actions.</P>
<P><I>Control </I>means being responsible for and providing care =
and=20
management of base property and/or livestock.</P>
<P><I>District </I>means the specific area of public lands =
administered by=20
a District Manager or a Field Manager.</P>
<P><I>Ephemeral rangelands </I>means areas of the Hot Desert Biome =
a=20
(Region) that do not consistently produce enough forage to sustain =
a=20
livestock operation, but from time to time produce sufficient =
forage to=20
accommodate livestock grazing.</P>
<P><I>Grazing district </I>means the specific area within which =
the public=20
lands are administered under section 3 of the Act. Public lands =
outside=20
grazing district boundaries are administered under section 15 of =
the=20
Act.</P>

Grazing fee year means the year, used for billing purposes, which begins on March 1, of a given year and ends on the last day of February of the following year.

Grazing lease means a document that authorizes grazing the public lands under Section 15 of the Act. A grazing lease specifies grazing preference and the terms and conditions under which lessees make grazing use during the term of the lease.

Grazing permit means a document that authorizes grazing the public lands under Section 3 of the Act. A grazing permit specifies grazing preference and the terms and conditions under which permittees make grazing use during the term of the permit.

Grazing preference or *preference* means the total number of animal unit months on public lands apportioned and attached to base property owned or controlled by a permittee, lessee, or an applicant for a permit or lease. Grazing preference includes active use and use held in suspension. Grazing preference holders have a superior or priority position against others for the purpose of receiving a grazing permit or lease.

Interested public means an individual, group, or organization that has:

- (1)(i) Submitted a written request to BLM to be provided an opportunity to be involved in the decisionmaking process as to a specific allotment, and
- (ii) Followed up that request by submitting written comment as to management of a specific allotment, or otherwise participating in the decisionmaking process as to a specific allotment, if BLM has provided them an opportunity for comment or other participation; or
- (2) Submitted written comments to the authorized officer regarding management of livestock grazing on a specific allotment.

Land use plan means a resource management plan, developed under the provisions of 43 CFR part 1600, or a management framework plan. These plans are developed through public participation in accordance with the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and establish management direction for resource uses of public lands.

Livestock or *kind of livestock* means species of domestic livestock=97cattle, sheep, horses, burros, and goats.

<P><I>Livestock carrying capacity </I>means the maximum stocking =
rate=20
possible without inducing damage to vegetation or related =
resources. It=20
may vary from year to year on the same area due to fluctuating =
forage=20
production.</P>
<P><I>Monitoring </I>means the periodic observation and orderly =
collection=20
of data to evaluate:</P>
<P>(1) Effects of management actions; and</P>
<P>(2) Effectiveness of actions in meeting management =
objectives.</P>
<P><I>Preference </I>means grazing preference (see definition of =
=93grazing=20
preference=94).</P>
<P><I>Public lands </I>means any land and interest in land outside =
of=20
Alaska owned by the United States and administered by the =
Secretary of the=20
Interior through the Bureau of Land Management, except lands held =
for the=20
benefit of Indians.</P>
<P><I>Range improvement </I>means an authorized physical =
modification or=20
treatment which is designed to improve production of forage; =
change=20
vegetation composition; control patterns of use; provide water; =
stabilize=20
soil and water conditions; restore, protect and improve the =
condition of=20
rangeland ecosystems to benefit livestock, wild horses and burros, =
and=20
fish and wildlife. The term includes, but is not limited to, =
structures,=20
treatment projects, and use of mechanical devices or modifications =
achieved through mechanical means.</P>
<P><I>Rangeland studies </I>means any study methods accepted by =
the=20
authorized officer for collecting data on actual use, utilization, =
climatic conditions, other special events, and trend to determine =
if=20
management objectives are being met.</P>
<P><I>Secretary </I>means the Secretary of the Interior or his =
authorized=20
officer.</P>
<P><I>Service area </I>means the area that can be properly grazed =
by=20
livestock watering at a certain water.</P>
<P><I>State Director </I>means the State Director, Bureau of Land=20
Management, or his or her authorized representative.</P>
<P><I>Supplemental feed </I>means a feed which supplements the =
forage=20
available from the public lands and is provided to improve =
livestock=20
nutrition or rangeland management.</P>
<P><I>Suspension </I>means the withholding from active use, =
through a=20
decision issued by the authorized officer or by agreement, of part =
or all=20
of the grazing preference specified in a grazing permit or =
lease.</P>

Temporary nonuse means that portion of active use that is authorized by the authorized officer not to be used, in response to an application made by the permittee or lessee.

Trend means the direction of change over time, either toward or away from desired management objectives.

Unauthorized leasing and subleasing

(1) The lease or sublease of a Federal grazing permit or lease, associated with the lease or sublease of base property, to another party without a required transfer approved by the authorized officer;

(2) The lease or sublease of a Federal grazing permit or lease to another party without the assignment of the associated base property;

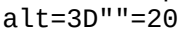
(3) Allowing another party, other than sons and daughters of the grazing permittee or lessee meeting the requirements of 17 CFR 10232.7(f), to graze on public lands livestock that are not owned or controlled by the permittee or lessee; or

(4) Allowing another party, other than sons and daughters of the grazing permittee or lessee meeting the requirements of 17 CFR 10232.7(f), to graze livestock on public lands under a pasturing agreement without the approval of the authorized officer.

Utilization means the portion of forage that has been consumed by livestock, wild horses and burros, wildlife and insects during a specified period. The term is also used to refer to the pattern of use.

[43 FR 29067, July 5, 1978, as amended at 46 FR 5788, Jan. 19, 1981; 53 FR 10232, Mar. 29, 1988; 60 FR 9961, Feb. 22, 1995; 71 FR 39503, July 12, 2006]

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3Db1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D43:2.1.1.4.92&idno=3D43#PartTop>



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The regulations at part 1600 of this chapter govern the development of land use plans; the regulations at part 1780, subpart 1784 of this chapter govern advisory committees; and the regulations at subparts B and E of part 4 of this title govern appeals and hearings.

[60 FR 9962, Feb. 22, 1995]

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<http://ecfr.gpoaccess.gov/e/ecfr/graphics/ret-arrow-generic-grey.gif>

Land use plans.

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(a) Except as provided under 74110.1-961, 4130.5, and 4130.6-963, to qualify for grazing use on the public lands an applicant must own or control land or water base property, and must be:

(1) A citizen of the United States or have properly filed a valid declaration of intention to become a citizen or a valid petition for naturalization; or

(2) A group or association authorized to conduct business in the State in which the grazing use is sought, all members of which are qualified under paragraph (a) of this section; or

(3) A corporation authorized to conduct business in the State in which the grazing use is sought.

(b) Applicants for the renewal or issuance of new permits and leases and any affiliates must be determined by the authorized officer to have a

satisfactory record of performance under 74130.1-961(b).

(c) Applicants shall submit an application and any other relevant information requested by the authorized officer in order to determine that

all qualifications have been met.

[43 FR 29067, July 5, 1978, as amended at 49 FR 6450, Feb. 21, 1984; 60

FR 9962, Feb. 22, 1995; 71 FR 39503, July 12, 2006]

[43:2.1.1.4.92.2.180.2](#)

[74110.1-1](#) Acquired lands.

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<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3D=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D=43:2.1.1.4.92&idno=3D43#PartTop>



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Where lands have been acquired by the Bureau of Land Management through purchase, exchange, Act of Congress or Executive Order, and an agreement

or the terms of the act or Executive Order provide that the Bureau of Land

Management shall honor existing grazing permits or leases, such as

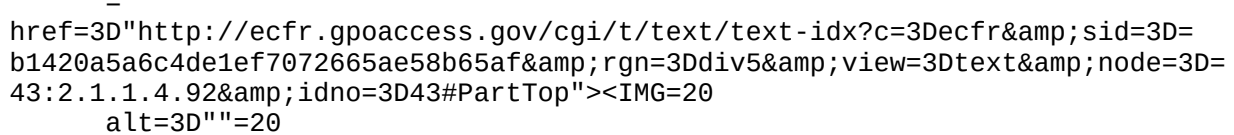
permits or leases are governed by the terms and conditions in effect at the time of

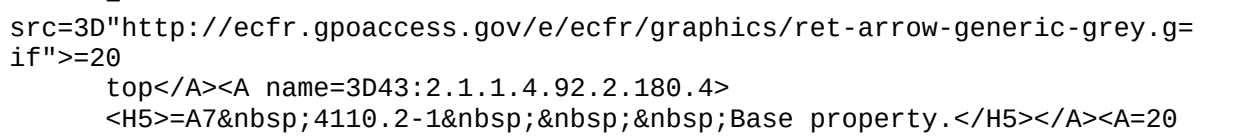
acquisition by the Bureau of Land Management, and are not subject to the

requirements of 74110.1.

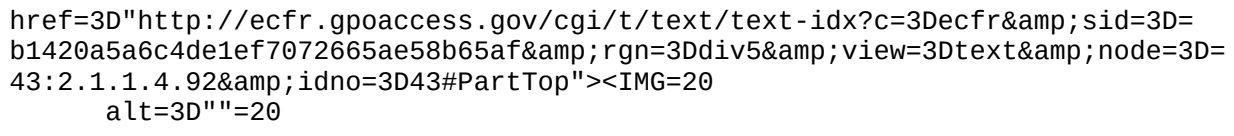
[60 FR 9962, Feb. 22, 1995]

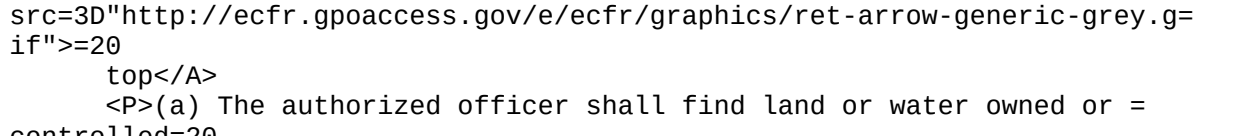
[4110.2](#) Grazing preference.





[4110.2-1](#) Base property.





(a) The authorized officer shall find land or water owned or controlled by an applicant to be base property (see 4110.0-965) if:

(1) It is capable of serving as a base of operation for livestock use of public lands within a grazing district; or

(2) It is contiguous land, or, when no applicant owns or controls contiguous land, noncontiguous land that is capable of being used in conjunction with a livestock operation which would utilize public lands outside a grazing district.

(b) After appropriate consultation, cooperation, and coordination, the authorized officer shall specify the length of time for which land base property shall be capable of supporting authorized livestock during the year, relative to the multiple use management objective of the public lands.

(c) An applicant shall provide a legal description, or plat, of the base property and shall certify to the authorized officer that this base property meets the requirements under paragraphs (a) and (b) of this section.

(d) A permittee's or lessee's interest in water previously recognized as base property on public land shall be deemed sufficient in meeting the requirement that the applicant control base property. Where such waters become unusable and are replaced by newly constructed or reconstructed water developments that are the subject of a range improvement permit or cooperative range improvement agreement, the permittee's or lessee's interest in the replacement water shall be deemed sufficient in meeting


the requirement that the applicant control base property.

(e) If a permittee or lessee loses ownership or control of all or part of his/her base property, the permit or lease, to the extent it was based upon such lost property, shall terminate immediately without further notice from the authorized officer. However, if, prior to losing ownership or control of the base property, the permittee or lessee requests, in writing, that the permit or lease be extended to the end of the grazing season or grazing year, the termination date may be extended as determined by the authorized officer after consultation with the new owner. When a permit or lease terminates because of a loss of ownership or control of base property, the grazing preference shall remain with the base property and be available through application and transfer procedures at 43 CFR 4110.2-963, to the new owner or person in control of that base property.

(f) Applicants who own or control base property contiguous to or cornering upon public land outside a grazing district where such public land consists of an isolated or disconnected tract embracing 760 acres or less shall, for a period of 90 days after the tract has been offered for lease, have a preference right to lease the whole tract.

[43 FR 29067, July 5, 1978, as amended at 46 FR 5788, Jan. 19, 1981; 49 FR 6450, Feb. 21, 1984; 53 FR 10233, Mar. 29, 1988; 60 FR 9962, Feb. 22, 1995; 71 FR 39503, July 12, 2006]

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(a) All grazing permits and grazing leases will specify grazing preference, except for permits and leases for designated ephemeral rangelands, where BLM authorizes livestock use based upon forage availability, or designated annual rangelands. Preference includes active use and any suspended use. Active use is based on the amount of forage available for livestock grazing as established in the land use plan, activity plan, or decision of the authorized officer under 43 CFR 4110.3-963,

except, in the case of designated ephemeral or annual rangelands, a land use plan or activity plan may alternatively prescribe vegetation standards to be met in the use of such rangelands.

(b) The grazing preference specified is attached to the base property supporting the grazing permit or grazing lease.

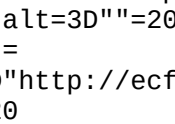
(c) The animal unit months of grazing preference are attached to:

(1) The acreage of land base property on a pro rata basis, or

(2) Water base property on the basis of livestock forage production within the service area of the water.

[71 FR 39503, July 12, 2006]

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=43:2.1.1.4.92&idno=3D43#PartTop>



(a) Transfers of grazing preference in whole or in part are subject to the following requirements:

(1) The transferee shall meet all qualifications and requirements of 4110.1, 4110.2-961, and 4110.2-962.

(2) The transfer applications under paragraphs (b) and (c) of this section shall evidence assignment of interest and obligation in range improvements authorized on public lands under 4110.3 and maintained in conjunction with the transferred preference (see 4110.3-965). The terms and conditions of the cooperative range improvement agreements and improvement permits are binding on the transferee.

(3) The transferee shall accept the terms and conditions of the terminating grazing permit or lease (see 4110.2) with such modifications as he may request which are approved by the authorized officer or such modifications as may be required by the authorized officer.

(4) The transferee shall file an application for a grazing permit or lease to the extent of the transferred preference simultaneously with filing a transfer application under paragraph (b) or (c) of this section.

(b) If base property is sold or leased, the transferee shall within 90 days of the date of sale or lease file with BLM a properly executed transfer application showing the base property and the grazing

if">=20
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<P>(a) The authorized officer may suspend active use in whole or =
in part=20
on a temporary basis due to reasons specified in =
=A74110.3=963(b)(1), or to=20
facilitate installation, maintenance, or modification of range=20
improvements.</P>
<P>(b) When monitoring or documented field observations show =
grazing use=20
or patterns of use are not consistent with the provisions of =
subpart 4180=20
of this part, or grazing use is otherwise causing an unacceptable =
level or=20
pattern of utilization, or when use exceeds the livestock carrying =
capacity as determined through monitoring, ecological site =
inventory, or=20
other acceptable methods, the authorized officer will reduce =
active use,=20
otherwise modify management practices, or both. To implement =
reductions=20
under this paragraph, BLM will suspend active use.</P>
<P>[71 FR 39504, July 12, 2006]</P><A =
name=3D43:2.1.1.4.92.2.180.11>
<H5>=A7 4110.3-3 Implementing changes in =
active=20
use.</H5><A=20
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<P>(a)(1) After consultation, cooperation, and coordination with =
the=20
affected permittee or lessee and the state having lands or =
responsibility=20
for managing resources within the area, the authorized officer =
will=20
implement changes in active use through a documented agreement or =
by a=20
decision. The authorized officer will implement changes in active =
use in=20
excess of 10 percent over a 5-year period unless:</P>
<P>(i) After consultation with the affected permittees or lessees, =
an=20
agreement is reached to implement the increase or decrease in less =
than 5=20
years, or</P>
<P>(ii) The changes must be made before 5 years have passed in =
order to=20
comply with applicable law.</P>
<P>(2) Decisions implementing =A74110.3=962 will be issued as =
proposed=20
decisions pursuant to =A74160.1, except as provided in paragraph =
(b) of this=20
section.</P>
<P>(b)(1) After consultation with, or a reasonable attempt to =
consult=20
with, affected permittees or lessees and the state having lands or =

responsibility for managing resources within the area, the authorized officer will close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section when the authorized officer determines and documents that

(i) The soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, or insect infestation; or

(ii) Continued grazing use poses an imminent likelihood of significant resource damage.

(2) Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions will remain in effect pending the decision on appeal unless the Office of Hearings and Appeals grants a stay in accordance with 74.472 of this title.

[71 FR 39504, July 12, 2006]

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When lands outside designated allotments become available for livestock grazing under the administration of the Bureau of Land Management, the forage available for livestock shall be made available to qualified applicants at the discretion of the authorized officer. Grazing use shall be apportioned under 74.130.1-962 of this title.

[53 FR 10234, Mar. 29, 1988]

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<P>(a) Where there is a decrease in public land acreage available =
for=20
livestock grazing within an allotment:</P>
<P>(1) Grazing permits or leases may be cancelled or modified as=20
appropriate to reflect the changed area of use.</P>
<P>(2) Grazing preference may be canceled in whole or in part.=20
Cancellations determined by the authorized officer to be necessary =
to=20
protect the public lands will be apportioned by the authorized =
officer=20
based upon the level of available forage and the magnitude of the =
change=20
in public land acreage available, or as agreed to among the =
authorized=20
users and the authorized officer.</P>
<P>(b) When public lands are disposed of or devoted to a public =
purpose=20
which precludes livestock grazing, the permittees and lessees =
shall be=20
given 2 years' prior notification except in cases of emergency =
(national=20
defense requirements in time of war, natural disasters, national =
emergency=20
needs, etc.) before their grazing permit or grazing lease and =
grazing=20
preference may be canceled. A permittee or lessee may =
unconditionally=20
waive the 2-year prior notification. Such a waiver shall not =
prejudice the=20
permittee's or lessee's right to reasonable compensation for, but =
not to=20
exceed the fair market value of his or her interest in authorized=20
permanent range improvements located on these public lands (see=20
=A74120.3=966).</P>
<P>[43 FR 29067, July 5, 1978, as amended at 49 FR 6451, Feb. 21, =
1984; 49=20
FR 12704, Mar. 30, 1984; 54 FR 31485, July 28, 1989; 60 FR 9963, =
Feb. 22,=20
1995; 71 FR 39505, July 12, 2006]</P><A =
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Congress.</H5><A=20
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<P>Title 18 U.S.C. 431 through 433 (1970) generally prohibits a =
Member of=20
or Delegate to Congress from entering into any contract or =

agreement with=20
the United States. Title 41 U.S.C. 22 (1970) generally provides =
that in=20
every contract or agreement to be made or entered into, or =
accepted by or=20
on behalf of the United States, there shall be inserted an express =
condition that no Member of or Delegate to Congress shall be =
admitted to=20
any share or part of such contract or agreement, or to any benefit =
to=20
arise thereupon. The provisions of these laws are incorporated =
herein by=20
reference and apply to all permits, leases, and agreements issued =
under=20
these regulations.</P>
<P>[43 FR 29067, July 5, 1978. Redesignated at 49 FR 6451, Feb. =
21,=20
1984]</P>
<H5>Subpart 4120=97Grazing Management</H5><A=20
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<H5>=A7 4120.2 Allotment management plans =
and resource=20
activity plans.</H5><A=20
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<P>Allotment management plans or other activity plans intended to =
serve as=20
the functional equivalent of allotment management plans may be =
developed=20
by permittees or lessees, other Federal or State resource =
management=20
agencies, interested citizens, and the Bureau of Land Management. =
When=20
such plans affecting the administration of grazing allotments are=20
developed, the following provisions apply:</P>
<P>(a) An allotment management plan or other activity plans =
intended to=20
serve as the functional equivalent of allotment management plans =

shall be prepared in careful and considered consultation, cooperation, and coordination with affected permittees or lessees, landowners involved, the resource advisory council, any State having lands or responsible for managing resources within the area to be covered by such a plan, and the interested public. The plan shall become effective upon approval by the authorized officer. The plans shall

<P>(1) Include terms and conditions under 4130.3=961, 4130.3=962, 4130.3=963, and subpart 4180 of this part;</P>

<P>(2) Prescribe the livestock grazing practices necessary to meet specific resource objectives;</P>

<P>(3) Specify the limits of flexibility, to be determined and granted on the basis of the operator's demonstrated stewardship, within which permittee(s) or lessee(s) may adjust operations without prior approval of the authorized officer; and</P>

<P>(4) Provide for monitoring to evaluate the effectiveness of management actions in achieving the specific resource objectives of the plan.</P>

<P>(b) Private and State lands may be included in allotment management plans or other activity plans intended to serve as the functional equivalent of allotment management plans dealing with rangeland with the consent or at the request of the parties who own or control those lands.</P>

<P>(c) The authorized officer shall provide opportunity for public participation in the planning and environmental analysis of proposed plans affecting the administration of grazing and shall give public notice concerning the availability of environmental documents prepared as a part of the development of such plans, prior to implementing the plans. The decision document following the environmental analysis will be issued in accordance with 474160.1.</P>

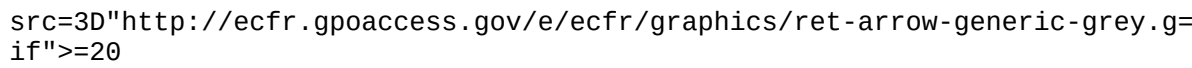
<P>(d) A requirement to conform with completed allotment management plans or other applicable activity plans intended to serve as the functional equivalent of allotment management plans shall be incorporated into the terms and conditions of the grazing permit or lease for the allotment.</P>

<P>(e) Allotment management plans or other applicable activity plans intended to serve as the functional equivalent of allotment management plans may be revised or terminated by the authorized officer after consultation, cooperation, and coordination with the affected

U.S.C. 4321 *et seq.*). The decision document following the environmental analysis shall be issued in accordance with 4120.3-1.

[49 FR 6452, Feb. 21, 1984, as amended at 60 FR 9964, Feb. 22, 1995; 61 FR 4227, Feb. 5, 1996; 71 FR 39505, July 12, 2006]

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=div5&view=text&node=43:2.1.1.4.92&idno=43#PartTop>



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(a) The Bureau of Land Management may enter into a cooperative range improvement agreement with a person, organization, or other government entity for the installation, use, maintenance, and/or modification of permanent range improvements or rangeland developments to achieve management or resource condition objectives. The cooperative range improvement agreement shall specify how the costs or labor, or both, shall be divided between the United States and cooperator(s).

(b) Subject to valid existing rights, cooperators and the United States will share title to permanent structural range improvements such as fences, wells, and pipelines where authorization is granted after August 11, 2006 in proportion to their contribution to on-the-ground development and construction costs. The authorization for all new permanent water developments, such as spring developments, wells, reservoirs, stock tanks, and pipelines, shall be through cooperative range improvement agreements. The authorized officer will document a permittee's or lessee's interest in contributed funds, labor, and materials to ensure proper credit for the purposes of 4120.3-965 and 4120.3-966(c).

(c) The United States shall have title to nonstructural improvements such as seeding, spraying, and chaining.

(d) Range improvement work performed by a cooperator or permittee on the public lands or lands administered by the Bureau of Land Management does not confer the exclusive right to use the improvement or the land affected by the range improvement work.

[60 FR 9964, Feb. 22, 1995, as amended at 61 FR 4227, Feb. 5, 1996; 71 FR 39505, July 12, 2006]

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=div5&view=text&node=43:2.1.1.4.92&idno=43#PartTop>

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Range improvement permits.

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<P>(a) Any permittee or lessee may apply for a range improvement = permit to=20 install, use, maintain, and/or modify removable range improvements = that=20

are needed to achieve management objectives for the allotment in = which the=20

permit or lease is held. The permittee or lessee shall agree to = provide=20

full funding for construction, installation, modification, or = maintenance.=20

Such range improvement permits are issued at the discretion of the =

authorized officer.</P>

<P>(b) The permittee or lessee may hold the title to authorized = removable=20

range improvements used as livestock handling facilities such as = corrals,=20

creep feeders, and loading chutes, and to temporary structural=20 improvements such as troughs for hauled water.</P>

<P>(c) If forage available for livestock is not or will not be = used by the=20

preference permittee or lessee, BLM may issue nonrenewable grazing = permits=20

or leases to other qualified applicants to use it under = =A7=A74130.6=962 and=20

4130.4(d), or =A74110.3=961(a)(2). The term =93forage available = for livestock=94=20

does not include temporary nonuse that BLM approves for reasons of = natural=20

resource conservation, enhancement, or protection, or use = suspended by BLM=20

under =A74110.3=962(b). Before issuing a nonrenewable permit or = lease, BLM=20

will consult, cooperate, and coordinate as provided in = =A74130.6=962. If BLM=20

issues such a nonrenewable permit or lease, the preference = permittee or=20

lessee shall cooperate with the temporary authorized use of forage = by=20

another operator.</P>

<P>(1) A permittee or lessee shall be reasonably compensated for = the use=20

and maintenance of improvements and facilities by the operator who = has an=20

authorization for temporary grazing use.</P>

<P>(2) The authorized officer may mediate disputes about = reasonable=20

compensation and, following consultation with the interested = parties, make=20

a determination concerning the fair and reasonable share of = operation and=20

maintenance expenses and compensation for use of authorized = improvements=20

and facilities.</P>

<P>(3) Where a settlement cannot be reached, the authorized = officer shall=20

acquired,=20
perfected, maintained, and administered under the substantive and=20
procedural laws of the state within which such land is =
located.</P>
<P>[71 FR 39505, July 12, 2006]</P><A =
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<H5>=A7 4120.4 Special rules.</H5><A=20
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<P>(a) When a State Director determines that local conditions =
require a=20
special rule to achieve improved administration consistent with =
the=20
objectives of this part, the Director may approve such rules. The =
rules=20
shall be subject to public review and comment, as appropriate, and =
upon=20
approval, shall become effective when published in the<E =
T=3D"04">Federal=20
Register</E>as final rules. Special rules shall be published in a =
local=20
newspaper.</P>
<P>(b) Where the Bureau of Land Management administers the grazing =
use of=20
other Federal Agency lands, the terms of an appropriate Memorandum =
of=20
Understanding or Cooperative Agreement shall apply.</P>
<P>[49 FR 6452, Feb. 21, 1984]</P><A =
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<H5>=A7 4120.5 Cooperation.</H5><A=20
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management.</H5><A=20
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<P>The authorized officer shall, to the extent appropriate, =
cooperate with=20
Federal, State, Indian tribal and local governmental entities,=20
institutions, organizations, corporations, associations, and =
individuals=20
to achieve the objectives of this part.</P>
<P>[60 FR 9965, Feb. 22, 1995]</P><A =

(d) A requirement that permittees or lessees operating under a grazing permit or lease submit within 15 days after completing their grazing use, or as otherwise specified in the permit or lease, the use made;

(e) The kinds of indigenous animals authorized to graze under terms and conditions;

(f) Provision for livestock grazing temporarily to be delayed, discontinued or modified to allow for the reproduction, establishment, or restoration of vigor of plants, provide for the improvement of riparian areas to achieve proper functioning condition or for the protection of other rangeland resources and values consistent with objectives of

applicable land use plans, or to prevent compaction of wet soils, such as where delay of spring turnout is required because of weather conditions or lack of plant growth;

(g) The percentage of public land use determined by the proportion of livestock forage available on public lands within the allotment compared to the total amount available from both public lands and those owned or controlled by the permittee or lessee; and

(h) A statement disclosing the requirement that permittees or lessees shall provide reasonable administrative access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands.

[49 FR 6453, Feb. 21, 1984; 49 FR 12704, Mar. 30, 1984. = Redesignated at 60 FR 9965, Feb. 22, 1995, and amended at 60 FR 9966, Feb. 22, 1995]

name=3D43:2.1.1.4.92.4.180.8>

<H5>=A7 4130.3-3 Modification of permits or leases.</H5><A=20

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(a) Following consultation, cooperation, and coordination with the affected lessees or permittees and the state having lands or responsibility for managing resources within the area, the authorized officer may modify terms and conditions of the permit or lease =

when the active use or related management practices:

(1) Do not meet management objectives specified in:

(i) The land use plan;

(c) The authorized officer will consult, cooperate, and coordinate with the permittees or lessees regarding their applications for changes within the terms and conditions of their permit or lease.

(d) Permittees and lessees must apply if they wish:

- (1) Not to use all or a part of their active use by applying for temporary nonuse under paragraph (e) of this section;
- (2) To use forage previously authorized as temporary nonuse; or
- (3) To use forage that is temporarily available on designated ephemeral or annual ranges.

(e)(1) Temporary nonuse is authorized:

- (i) Only if the authorized officer approves in advance; and
- (ii) For no longer than one year at a time.

(2) Permittees or lessees applying for temporary nonuse use must state on their application the reasons supporting nonuse. The authorized officer may authorize nonuse to provide for:

- (i) Natural resource conservation, enhancement, or protection, including more rapid progress toward meeting resource condition objectives or attainment of rangeland health standards; or
- (ii) The business or personal needs of the permittee or lessee.

(f) Under 4130.6-962, the authorized officer may authorize qualified applicants to graze forage made available as a result of temporary nonuse approved for the reasons described in paragraph (e)(2)(ii) of this section. The authorized officer will not authorize anyone to graze forage made available as a result of temporary nonuse approved under paragraph (e)(2)(i) of this section.

(g) Permittees or lessees who wish to obtain temporary changes in grazing use within the terms and conditions of their permit or lease must file an application in writing with BLM on or before the date they wish the change in grazing use to begin. The authorized officer will assess a service charge under 4130.8-963 to process applications for changes in grazing use that require the issuance of a replacement or supplemental billing notice.

[71 FR 39506, July 12, 2006]

A Free-use grazing permits

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D43:2.1.1.4.92&idno=3D43#PartTop>

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top

<P>(a) The permittee or lessee shall own or control and be =
responsible for=20
the management of the livestock which graze the public land under =
a=20

grazing permit or lease.</P>

<P>(b) Authorized users shall comply with the requirements of the =
State in=20

which the public lands are located relating to branding of =
livestock,=20

breed, grade, and number of bulls, health and sanitation.</P>

<P>(c) The authorized officer may require counting and/or =
additional=20

special marking or tagging of the authorized livestock in order to =
promote=20

the orderly administration of the public lands.</P>

<P>(d) Except as provided in paragraph (f) of this section, where =
a=20

permittee or lessee controls but does not own the livestock which =
graze=20

the public lands, the agreement that gives the permittee or lessee =
control=20

of the livestock by the permittee or lessee shall be filed with =
the=20

authorized officer and approval received prior to any grazing use. =
The=20

document shall describe the livestock and livestock numbers, =
identify the=20

owner of the livestock, contain the terms for the care and =
management of=20

the livestock, specify the duration of the agreement, and shall be =
signed=20

by the parties to the agreement.</P>

<P>(e) The brand and other identifying marks on livestock =
controlled, but=20

not owned, by the permittee or lessee shall be filed with the =
authorized=20

officer.</P>

<P>(f) Livestock owned by sons and daughters of grazing permittees =
and=20

lessees may graze public lands included within the permit or lease =
of=20

their parents when all the following conditions exist:</P>

<P>(1) The sons and daughters are participating in educational or =
youth=20

programs related to animal husbandry, agribusiness or rangeland=20
management, or are actively involved in the family ranching =

operation and=20
are establishing a livestock herd with the intent of assuming part =

or all=20
of the family ranch operation.</P>

<P>(2) The livestock owned by the sons and daughters to be grazed =
on=20


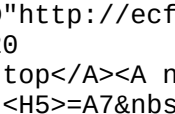
public lands do not comprise greater than 50 percent of the total =
number=20

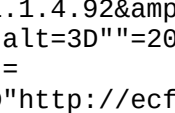
authorized to occupy public lands under their parent's permit or=20
lease.</P>

(3) The brands or other markings of livestock that are owned by sons and daughters are recorded on the parent's permit, lease, or application.

(4) Use by livestock owned by sons and daughters, when considered in addition to use by livestock owned or controlled by the permittee or lessee, does not exceed authorized livestock use and is consistent with other terms and conditions of the permit or lease.

[49 FR 6453, Feb. 21, 1984; 49 FR 12704, Mar. 30, 1984, as amended at 50 FR 45827, Nov. 4, 1985. Redesignated at 60 FR 9965, Feb. 22, 1995, and amended at 60 FR 9967, Feb. 22, 1995]

[A 4130.8 Fees.](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D43:2.1.1.4.92&idno=3D43#PartTop)


[top](http://ecfr.gpoaccess.gov/e/ecfr/graphics/ret-arrow-generic-grey.gif)
[A 4130.8-1 Payment of fees.](#)

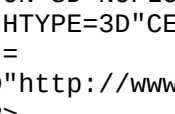
[A 4130.8-1 Payment of fees.](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D43:2.1.1.4.92&idno=3D43#PartTop)


[top](http://ecfr.gpoaccess.gov/e/ecfr/graphics/ret-arrow-generic-grey.gif)
(a) Grazing fees shall be established annually by the Secretary.

(1) Except as provided in paragraphs (a)(2) and (a)(3) of this section, the calculated fee or grazing fee shall be equal to the \$1.23 base

established by the 1966 Western Livestock Grazing Survey multiplied by the result of the Forage Value Index (computed annually from data supplied by the National Agricultural Statistics Service) added to the Combined Index (Beef Cattle Price Index minus the Prices Paid Index) and divided by 100;

as follows:



[CF =](http://www.access.gpo.gov/ecfr/graphics/ec13no91.013.gif)
[CF =](#)

CF = Calculated Fee (grazing fee) is the estimated economic value of livestock grazing, defined by the Congress as fair market value (FMV) of

the forage;

\$1.23 The base economic value of grazing on public rangeland established by the 1966 Western Livestock Grazing Survey;

FVI Forage Value Index means the weighted average estimate of the annual rental charge per head per month for pasturing cattle on private rangelands in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) (computed by the National Agricultural Statistics Service from the June Enumerative Survey) divided by \$3.65 and multiplied by 100;

BCPI Beef Cattle Price Index means the weighted average annual selling price for beef cattle (excluding calves) in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) for November through October (computed by the National Agricultural Statistics Service divided by \$22.04 per hundred weight and multiplied by 100; and

PPI Prices Paid Index means the following selected components from the National Agricultural Statistics Service's Annual National Index of Prices Paid by Farmers for Goods and Services adjusted by the weights indicated in parentheses to reflect livestock production costs in the Western States: 1. Fuels and Energy (14.5); 2. Farm and Motor Supplies (12.0); 3. Autos and Trucks (4.5); 4. Tractors and Self-Propelled Machinery (4.5); 5. Other Machinery (12.0); 6. Building and Fencing Materials (14.5); 7. Interest (6.0); 8. Farm Wage Rates (14.0); 9. Farm Services (18.0).

(2) Any annual increase or decrease in the grazing fee for any year shall be limited to not more than plus or minus 25 percent of the previous year's fee.

(3) The grazing fee for any year shall not be less than \$1.35 per animal unit month.

(b) Fees shall be charged for livestock grazing upon or crossing the public lands and other lands administered by the Bureau of Land Management at a specified rate per animal unit month.

(c) Except as provided in A74130.5, the full fee will be charged for each animal unit month of grazing use. For the purposes of calculating the fee, an animal unit month is defined as a month's use and occupancy of range by 1 cow, bull, steer, heifer, horse, burro, mule, 5 sheep, or 5

goats:</P>

<P>(1) Over the age of 6 months at the time of entering the public =
lands=20

or other lands administered by BLM;</P>

<P>(2) Weaned regardless of age; or</P>

<P>(3) Becoming 12 months of age during the authorized period of =
use.</P>

<P>(d) BLM will not charge grazing fees for animals that are less =
than 6=20

months of age at the time of entering BLM-administered lands, =
provided=20

that they are the progeny of animals upon which fees are paid, and =
they=20

will not become 12 months of age during the authorized period of =
use.</P>

<P>(e) In calculating the billing, the authorized officer will =
prorate the=20

grazing fee on a daily basis and will round charges to reflect the =
nearest=20

whole number of animal unit months.</P>

<P>(f) A surcharge shall be added to the grazing fee billings for=20
authorized grazing of livestock owned by persons other than the =
permittee=20

or lessee except where such use is made by livestock owned by sons =
and=20

daughters of permittees and lessees as provided in =A74130.7(f). =
The=20

surcharge shall be over and above any other fees that may be =
charged for=20

using public land forage. Surcharges shall be paid prior to =
grazing use.=20

The surcharge for authorized pasturing of livestock owned by =
persons other=20

than the permittee or lessee will be equal to 35 percent of the =
difference=20

between the current year's Federal grazing fee and the prior =
year's=20

private grazing land lease rate per animal unit month for the =
appropriate=20

State as determined by the National Agricultural Statistics =
Service.</P>

<P>(g) Fees are due on due date specified on the grazing fee bill. =
Payment=20

will be made prior to grazing use. Grazing use that occurs prior =
to=20

payment of a bill, except where specified in an allotment =
management plan,=20

is unauthorized and may be dealt with under subparts 4150 and 4170 =
of this=20

part. If allotment management plans provide for billing after the =
grazing=20

season, fees will be based on actual grazing use and will be due =
upon=20

issuance. Repeated delays in payment of actual use billings or=20
noncompliance with the terms and conditions of the allotment =

management=20

plan and permit or lease shall be cause to revoke provisions for=20
after-the-grazing-season billing.</P>

<P>(h) Failure to pay the grazing bill within 15 days of the due =
date=20


specified in the bill shall result in a late fee assessment of =
\$25.00 or=20

10 percent of the grazing bill, whichever is greater, but not to =
exceed=20

\$250.00. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days after the due date is a violation of 74140.1(b)(1) and may result in action by the authorized officer under 74150.1 and subpart 4160 of this part.

[49 FR 6454, Feb. 21, 1984, as amended at 53 FR 2993, Feb. 2, 1988; 53 FR 10235, Mar. 29, 1988; 53 FR 22326, June 15, 1988. Redesignated at 60 FR 9965, Feb. 22, 1995, and amended at 60 FR 9967, Feb. 22, 1995; 61 FR 4227, Feb. 5, 1996; 71 FR 39507, July 12, 2006]

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=43:2.1.1.4.92&idno=3D43#PartTop>



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
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(a) Grazing fees may be refunded where applications for change in grazing use and related refund are filed prior to the period of use for which the refund is requested.

(b) No refunds shall be made for failure to make grazing use, except during periods of range depletion due to drought, fire, or other natural causes, or in case of a general spread of disease among the livestock that occurs during the term of a permit or lease. During these periods of range depletion the authorized officer may credit or refund fees in whole or in part, or postpone fee payment for as long as the emergency exists.

[49 FR 6454, Feb. 21, 1984; 49 FR 12705, Mar. 30, 1984. Redesignated at 60 FR 9965, Feb. 22, 1995]

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=43:2.1.1.4.92&idno=3D43#PartTop>



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(a) Under section 304(a) of the Federal Land Policy and Management Act of 1976, BLM may establish reasonable charges for various services such as application processing. BLM may adjust these charges periodically to account for cost changes. BLM will inform the public of any

changes by=20
publishing a notice in the<E T=3D"04">Federal Register</E>.</P>
<P>(b) The following table of service charges is applicable until =
changed=20

through a<E T=3D"04">Federal Register</E>notice as provided in =
paragraph (a)=20
of this section. Except when the action is initiated by BLM, the=20
authorized officer will assess the following service charges:</P>

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replace or=20  
supplement a grazing fee billing</TD>  
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<P>(2) Failing to make substantial grazing use as authorized by a permit or lease for 2 consecutive years. This does not include temporary nonuse or use temporarily suspended by the authorized officer;</P>

<P>(3) Placing supplemental feed on these lands without authorization, or contrary to the terms and conditions of the permit or lease;</P>

<P>(4) Failing to comply with the terms, conditions, and stipulations of cooperative range improvement agreements or range improvement permits;</P>

<P>(5) Refusing to install, maintain, modify, or remove range improvements when so directed by the authorized officer.</P>

<P>(6) Unauthorized leasing or subleasing as defined in this part.</P>

<P>(b) Persons performing the following prohibited acts on BLM-administered lands are subject to civil and criminal penalties set forth at 47 CFR 170.1 and 170.2:</P>

<P>(1) Allowing livestock or other privately owned or controlled animals to graze on or be driven across these lands:</P>

<P>(i) Without a permit or lease or other grazing use authorization (see 47 CFR 130.6) and timely payment of grazing fees;</P>

<P>(ii) In violation of the terms and conditions of a permit, lease, or other grazing use authorization including, but not limited to, livestock in excess of the number authorized;</P>

<P>(iii) In an area or at a time different from that authorized; or</P>

<P>(iv) Failing to comply with a requirement under 47 CFR 130.7(c) of this title.</P>

<P>(2) Installing, using, maintaining, modifying, and/or removing improvements without authorization;</P>

<P>(3) Cutting, burning, spraying, destroying, or removing vegetation without authorization;</P>

<P>(4) Damaging or removing U.S. property without authorization;</P>

<P>(5) Molesting, harassing, injuring, poisoning, or causing death of livestock authorized to graze on these lands and removing authorized livestock without the owner's consent;</P>

<P>(6) Littering;</P>

<P>(7) Interfering with lawful uses or users including obstructing free transit through or over public lands by force, threat, intimidation, signs, barrier or locked gates;</P>

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

<P>(9) Failing to pay any fee required by the authorized officer =
pursuant=20
to this part, or making payment for grazing use of public lands =
with=20
insufficiently funded checks on a repeated and willful basis;</P>
<P>(10) Failing to reclaim and repair any lands, property, or =
resources=20
when required by the authorized officer;</P>
<P>(11) Failing to reclose any gate or other entry during periods =
of=20
livestock use.</P>
<P>(c)(1) A grazing permittee or lessee performing any of the =
prohibited=20
acts listed in paragraphs (c)(2) or (c)(3) of this section on an =
allotment=20
where he is authorized to graze under a BLM permit or lease may be =
subject=20
to the civil penalties set forth at =A74170.1=961, if:</P>
<P>(i) The permittee or lessee performs the prohibited act while =
engaged=20
in activities related to grazing use authorized by his permit or=20
lease;</P>
<P>(ii) The permittee or lessee has been convicted or otherwise =
found to=20
be in violation of any of these laws or regulations by a court or =
by final=20
determination of an agency charged with the administration of =
these laws=20
or regulations; and</P>
<P>(iii) No further appeals are outstanding.</P>
<P>(2) Violation of Federal or state laws or regulations =
pertaining to=20
the:</P>
<P>(i) Placement of poisonous bait or hazardous devices designed =
for the=20
destruction of wildlife;</P>
<P>(ii) Application or storage of pesticides, herbicides, or other =
hazardous materials;</P>
<P>(iii) Alteration or destruction of natural stream courses =
without=20
authorization;</P>
<P>(iv) Pollution of water sources;</P>
<P>(v) Illegal take, destruction, or harassment, or aiding and =
abetting in=20
the illegal take, destruction, or harassment of fish and wildlife=20
resources; and</P>
<P>(vi) Illegal removal or destruction of archaeological or =
cultural=20
resources.</P>
<P>(3)(i) Violation of the Bald and Golden Eagle Protection Act =
(16 U.S.C.=20
668 <I>et seq. </I>), ESA (16 U.S.C. 1531 <I>et seq. </I>), or any =
provision of part 4700 of this chapter concerning the protection =
and=20
management of wild free-roaming horses and burros; or</P>
<P>(ii) Violation of State livestock laws or regulations relating =
to the=20
branding of livestock; breed, grade, and number of bulls; health =
and=20
sanitation requirements; and violating State, county, or local =
laws=20
regarding the straying of livestock from permitted public land =

grazing=20
areas onto areas that have been formally closed to open range =
grazing.</P>
<P>[43 FR 29067, July 5, 1978, as amended at 46 FR 5790, Jan. 19, =
1981; 47=20
FR 41712, Sept. 21, 1982; 49 FR 6454, Feb. 21, 1984; 50 FR 45827, =
Nov. 4, =20
1985; 53 FR 10235, Mar. 29, 1988; 53 FR 22326, June 15, 1988; 60 =
FR 9968, =20
Feb. 22, 1995; 61 FR 4227, Feb. 5, 1996; 71 FR 39507, July 12, =
2006]</P><A=20
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<H5>Subpart 4150=97Unauthorized Grazing Use</H5><A=20
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alt=3D""=20
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src=3D"http://ecfr.gpoaccess.gov/e/ecfr/graphics/ret-arrow-generic-grey.g=
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<P>Violation of =A74140.1(b)(1) constitutes unauthorized grazing =
use.</P>
<P>(a) The authorized officer shall determine whether a violation =
is=20
nonwillful, willful, or repeated willful.</P>
<P>(b) Violators shall be liable in damages to the United States =
for the=20
forage consumed by their livestock, for injury to Federal property =
caused=20
by their unauthorized grazing use, and for expenses incurred in=20
impoundment and disposal of their livestock, and may be subject to =
civil=20
penalties or criminal sanction for such unlawful acts.</P>
<P>[43 FR 29067, July 5, 1978, as amended at 47 FR 41712, Sept. =
21, 1982;=20
60 FR 9968, Feb. 22, 1995]</P>
<H5>=A7 4150.2 Notice and order to =
remove.</H5><A=20
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alt=3D""=20
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src=3D"http://ecfr.gpoaccess.gov/e/ecfr/graphics/ret-arrow-generic-grey.g=
if">=20
top
<P>(a) Whenever it appears that a violation exists and the owner =
of the=20
unauthorized livestock is known, written notice of unauthorized =
use and=20
order to remove livestock by a specified date shall be served upon =

costs.</P>

<P>(a) For nonwillful violations: The value of forage consumed as=20
determined by the average monthly rate per AUM for pasturing =
livestock on=20
privately owned land (excluding irrigated land) in each State as =
published=20
annually by the Department of Agriculture. The authorized officer =
may=20
approve nonmonetary settlement of unauthorized use only when the=20
authorized officer determines that each of the following =
conditions is=20
satisfied:</P>

<P>(1) Evidence shows that the unauthorized use occurred through =
no fault=20
of the livestock operator;</P>
<P>(2) The forage use is insignificant;</P>
<P>(3) The public lands have not been damaged; and</P>
<P>(4) Nonmonetary settlement is in the best interest of the =
United=20
States.</P>

<P>(b) For willful violations: Twice the value of forage consumed =
as=20
determined in paragraph (a) of this section.</P>

<P>(c) For repeated willful violations: Three times the value of =
the=20
forage consumed as determined in paragraph (a) of this =
section.</P>

<P>(d) Payment made under this section does not relieve the =
alleged=20
violin of any criminal liability under Federal or State law.</P>

<P>(e) Violators shall not be authorized to make grazing use on =
the public=20
lands administered by the Bureau of Land Management until any =
amount found=20
to be due the United States under this section has been paid. The=20
authorized officer may take action under subpart 4160 of this part =
to=20

cancel or suspend grazing authorizations or to deny approval of=20
applications for grazing use until such amounts have been =
paid.</P>

<P>(f) Upon a stay of a decision issued under paragraph (e) of =
this=20
section, the authorized officer will allow a permittee or lessee =
to graze=20
in accordance with this part 4100 pending completion of the =
administrative=20
appeal process.</P>

<P>[49 FR 6454, Feb. 21, 1984, as amended at 53 FR 10235, Mar. 29, =
1988;=20
60 FR 9968, Feb. 22, 1995; 61 FR 4227, Feb. 5, 1996; 71 FR 39508, =
July 12,=20

2006]</P>

<H5>=A7 4150.4 Impoundment and =
disposal.</H5><A=20

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<P>Unauthorized livestock remaining on the public lands or other =


prior to a final decision where the authorized officer has made a determination in accordance with 4130.6, 4150.2(d), or 4190.1(a).


(d) A biological assessment or biological evaluation prepared by BLM for purposes of an ESA consultation or conference is not a proposed final decision for purposes of protest or appeal.

[60 FR 9968, Feb. 22, 1995, as amended at 71 FR 39508, July 12, 2006]

[43:2.1.1.4.92.7.180.2](#)

Protests.

 <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=div5&view=text&node=43:2.1.1.4.92&idno=3D43#PartTop>

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Any applicant, permittee, lessee or other interested public may protest the proposed decision under 474160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.


[47 FR 41713, Sept. 21, 1982, as amended at 49 FR 6455, Feb. 21, 1984;

61 FR 4227, Feb. 5, 1996]

[43:2.1.1.4.92.7.180.3](#)

Final decisions.

 <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=div5&view=text&node=43:2.1.1.4.92&idno=3D43#PartTop>

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(a) In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

(b) Upon the timely filing of a protest, the authorized officer shall reconsider her/his proposed decision in light of the protestant's statement of reasons for protest and in light of other information

pertinent to the case. At the conclusion to her/his review of the protest, the authorized officer shall serve her/his final decision on the protestant or her/his agent, or both, and the interested public.

(c) Notwithstanding the provisions of 474.21(a) of this title pertaining to the period during which a final decision will not be in effect, the authorized officer may provide that the final decision shall be effective upon issuance or on a date established in the decision, and shall remain

in effect pending the decision on appeal unless a stay is granted =
by the=20

Office of Hearings and Appeals when the authorized officer has =
made a=20

determination in accordance with =A7=A74110.3=963(b), =
4130.6=962(b), 4150.2(d), or=20

4190.1(a). Nothing in this section shall affect the authority of =
the=20

Director of the Office of Hearings and Appeals, the Interior Board =
of Land=20

Appeals, or an administrative law judge to provide that the =
decision=20

becomes effective immediately as provided in =A7=A74.21(a)(1) and =
4.479(c) of=20

this title.</P>

<P>[43 FR 29067, July 5, 1978, as amended at 46 FR 5791, Jan. 19, =
1981; 47=20

FR 41713, Sept. 21, 1982; 47 FR 46702, Oct. 20, 1982; 49 FR 6455, =
Feb. 21,=20

1984; 49 FR 12705, Mar. 30, 1984; 60 FR 9969, Feb. 22, 1995; 61 FR =
4227,=20

Feb. 5, 1996; 71 FR 39508, July 12, 2006]</P><A=20

name=3D43:2.1.1.4.92.7.180.4>

<H5>=A7 4160.4 Appeals.</H5><A=20

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<P>(a) Any person whose interest is adversely affected who wishes =
to=20

appeal or seek a stay of a final BLM grazing decision must follow =
the=20

requirements set forth in =A74.472 of this title. The appeal and =
any=20

petition for stay must be filed with the BLM office that issued =
the=20

decision within 30 days after its receipt or within 30 days after =
the=20

proposed decision becomes final as provided in =A74160.3(a).</P>

<P>(b) When OHA stays all or a portion of a BLM grazing decision =
that=20

affects a grazing permit or lease, BLM will authorize grazing use =
as=20

follows:</P>

<P>(1) When OHA stays implementation of all or part of a grazing =
decision=20

that cancels or suspends a permit or lease, changes any term or =
condition=20

of a permit or lease during its current term, or renews a permit =
or lease,=20

BLM will continue to authorize grazing under the permit or lease, =
or the=20

relevant term or condition thereof, that was in effect immediately =
before=20

the decision was issued, subject to any relevant provisions of the =
stay=20

order. This continued authorization will expire upon the =
resolution of the=20

administrative appeal. Such continued authorization is not subject =

to=20
protest or appeal.</P>
<P>(2) When OHA stays implementation of a grazing decision that =
issues or=20
denies issuance of a permit or lease to a preference transferee, =
BLM will=20
issue the preference applicant a permit or lease with terms and =
conditions=20
that are the same as the terms and conditions of the most recent =
permit or=20
lease applicable to the allotment or portion of the allotment in =
question,=20
subject to any relevant provisions of the stay order. This =
temporary=20
permit will expire upon the resolution of the administrative =
appeal.=20
Issuance of the temporary permit is not a decision subject to =
protest or=20
appeal.</P>
<P>(3) When OHA stays implementation of a grazing decision that =
issues a=20
permit or lease to a preference transferee with terms and =
conditions=20
different from terms and conditions of the most recent permit or =
lease=20
applicable to the allotment or portion of the allotment in =
question, BLM=20
will issue the preference applicant a permit or lease that, with =
respect=20
to any stayed term or condition, is the same as the terms and =
conditions=20
of the most recent permit or lease applicable to the allotment or =
portion=20
of the allotment in question, subject to any relevant provisions =
of the=20
stay order. This temporary permit will expire upon the resolution =
of the=20
administrative appeal. Issuance of the temporary permit is not a =
decision=20
subject to protest or appeal.</P>
<P>[71 FR 39508, July 12, 2006]</P>
<H5>Subpart 4170=97Penalties</H5><A=20
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violations.</H5><A=20
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<P>(a) The authorized officer may withhold issuance of a grazing = permit or=20

lease, or suspend the grazing use authorized under a grazing = permit or=20

lease, in whole or in part, or cancel a grazing permit or lease = and=20

grazing preference, or a free use grazing permit or other grazing=20 authorization, in whole or in part, under subpart 4160 of this =

title, for=20

violation by a permittee or lessee of any of the provisions of = this=20

part.</P>

<P>(b) The authorized officer shall suspend the grazing use = authorized=20

under a grazing permit, in whole or in part, or shall cancel a = grazing=20

permit or lease and grazing preference, in whole or in part, under = subpart=20

4160 of this title for repeated willful violation by a permittee = or lessee=20

of =A74140.1(b)(1) of this title.</P>

<P>(c) Whenever a nonpermittee or nonlessee violates =A74140.1(b) = of this=20

title and has not made satisfactory settlement under =A74150.3 of = this title=20

the authorized officer shall refer the matter to proper = authorities for=20

appropriate legal action by the United States against the = violator.</P>

<P>(d) Any person found to have violated the provisions of = =A74140.1(a)(6)=20

after August 21, 1995, shall be required to pay twice the value of = forage=20

consumed as determined by the average monthly rate per AUM for = pasturing=20

livestock on privately owned land (excluding irrigated land) in = each State=20

as supplied annually by the National Agricultural Statistics = Service, and=20

all reasonable expenses incurred by the United States in = detecting,=20

investigating, and resolving violations. If the dollar equivalent = value is=20

not received by the authorized officer within 30 days of receipt = of the=20

final decision, the grazing permit or lease shall be cancelled. = Such=20

payment shall be in addition to any other penalties the authorized = officer=20

may impose under paragraph (a) of this section.</P>

<P>[46 FR 5792, Jan. 19, 1981, as amended at 50 FR 45827, Nov. 4, = 1985; 60=20

FR 9969, Feb. 22, 1995]</P>

<H5>=A7 4170.1-2 Failure to use.</H5><A=20

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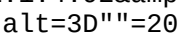
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1976 (43 U.S.C. 1701 *et seq.*), any person who knowingly willfully commits an act prohibited under 74140.1(b) or who knowingly willfully violates approved special rules and regulations may be brought before a designated U.S. magistrate and is punishable by a fine in

accordance with the applicable provisions of Title 18 of the United States Code, or imprisonment for no more than 12 months, or both.

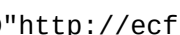
[60 FR 9969, Feb. 22, 1995] Subpart 4180-97 Fundamentals of Rangeland Health and Standards Guidelines for Grazing Administration

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=43:2.1.1.4.92&idno=3D43#PartTop>

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top [74180.1 Fundamentals of rangeland health](#)

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=43:2.1.1.4.92&idno=3D43#PartTop>

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top Standards and guidelines developed or revised by a Bureau of Land

Management State Director under 74180.2(b) must be consistent with the following fundamentals of rangeland health:

(a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions

support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water

quality, water quantity, and timing and duration of flow. (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress

toward their attainment, in order to support healthy biotic populations and communities.

(c) Water quality complies with State water quality standards achieves, or is making significant progress toward achieving, established

BLM management objectives such as meeting wildlife needs. (d) Habitats are, or are making significant progress toward being,

restored or maintained for Federal threatened and endangered =
species,=20
Federal proposed or candidate threatened and endangered species, =
and other=20
special status species.</P>
<P>[60 FR 9969, Feb. 22, 1995, as amended at 71 FR 39508, July 12, =
2006]</P>
<H5>=A7 4180.2 Standards and guidelines for =
grazing=20
administration.</H5><A=20
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<P>(a) The Bureau of Land Management State Director, in =
consultation with=20
the affected resource advisory councils where they exist, will =
identify=20
the geographical area for which standards and guidelines are =
developed.=20
Standards and guidelines will be developed for an entire state, or =
an area=20
encompassing portions of more than 1 state, unless the Bureau of =
Land=20
Management State Director, in consultation with the resource =
advisory=20
councils, determines that the characteristics of an area are =
unique, and=20
the rangelands within the area could not be adequately protected =
using=20
standards and guidelines developed on a broader geographical =
scale.</P>
<P>(b) The Bureau of Land Management State Director, in =
consultation with=20
affected Bureau of Land Management resource advisory councils, =
shall=20
develop and amend State or regional standards and guidelines. The =
Bureau=20
of Land Management State Director will also coordinate with Indian =
tribes,=20
other State and Federal land management agencies responsible for =
the=20
management of lands and resources within the region or area under=20
consideration, and the public in the development of State or =
regional=20
standards and guidelines. State or regional standards or =
guidelines=20
developed by the Bureau of Land Management State Director may not =
be=20
implemented prior to their approval by the Secretary. Standards =
and=20
guidelines made effective under paragraph (f) of this section may =
be=20
modified by the Bureau of Land Management State Director, with =
approval of=20
the Secretary, to address local ecosystems and management =
practices.</P>
<P>(c)(1) If a standards assessment indicates to the authorized =

officer=20
that the rangeland is failing to achieve standards or that =
management=20
practices do not conform to the guidelines, then the authorized =
officer=20
will use monitoring data to identify the significant factors that=20
contribute to failing to achieve the standards or to conform with =
the=20
guidelines. If the authorized officer determines through standards =
assessment and monitoring that existing grazing management =
practices or=20
levels of grazing use on public lands are significant factors in =
failing=20
to achieve the standards and conform with the guidelines that are =
made=20
effective under this section, the authorized officer will, in =
compliance=20
with applicable laws and with the consultation requirements of =
this part,=20
formulate, propose, and analyze appropriate action to address the =
failure=20
to meet standards or to conform to the guidelines.</P>
<P>(i) Parties will execute a documented agreement and/or the =
authorized=20
officer will issue a final decision on the appropriate action =
under=20
=A74160.3 as soon as practicable, but not later than 24 months =
after a=20
determination.</P>
<P>(ii) BLM may extend the deadline for meeting the requirements=20
established in paragraph (c)(1)(i) of this section when legally =
required=20
processes that are the responsibility of another agency prevent =
completion=20
of all legal obligations within the 24-month time frame. BLM will =
make a=20
decision as soon as practicable after the legal requirements are =
met.</P>
<P>(2) Upon executing the agreement and/or in the absence of a =
stay of the=20
final decision, the authorized officer will implement the =
appropriate=20
action as soon as practicable, but not later than the start of the =
next=20
grazing year.</P>
<P>(3) The authorized officer will take appropriate action as =
defined in=20
this paragraph by the deadlines established in paragraphs (c)(1) =
and=20
(c)(2) of this section. Appropriate action means implementing =
actions=20
pursuant to subparts 4110, 4120, 4130, and 4160 of this part that =
will=20
result in significant progress toward fulfillment of the standards =
and=20
significant progress toward conformance with the guidelines. =
Practices and=20
activities subject to standards and guidelines include the =
development of=20
grazing-related portions of activity plans, establishment of terms =
and=20
conditions of permits, leases, and other grazing authorizations, =
and range=20

improvement activities such as vegetation manipulation, fence construction, and development of water.

(d) At a minimum, state and regional standards developed or revised

under paragraphs (a) and (b) of this section must address the following:

(1) Watershed function;

(2) Nutrient cycling and energy flow;

(3) Water quality;

(4) Habitat for endangered, threatened, proposed, candidate, and other

special status species; and

(5) Habitat quality for native plant and animal populations and

communities.

(e) At a minimum, State or regional guidelines developed under paragraphs (a) and (b) of this section must address the following:

(1) Maintaining or promoting adequate amounts of vegetative ground cover,

including standing plant material and litter, to support infiltration, maintain soil moisture storage, and stabilize

soils;

(2) Maintaining or promoting subsurface soil conditions that support

permeability rates appropriate to climate and soils;

(3) Maintaining, improving or restoring riparian-wetland functions

including energy dissipation, sediment capture, groundwater recharge, and

stream bank stability;

(4) Maintaining or promoting stream channel morphology (e.g., gradient,

width/depth ratio, channel roughness and sinuosity) and functions appropriate to climate and landform;

(5) Maintaining or promoting the appropriate kinds and amounts of soil

organisms, plants and animals to support the hydrologic cycle, nutrient

cycle, and energy flow;

(6) Promoting the opportunity for seedling establishment of appropriate

plant species when climatic conditions and space allow;

(7) Maintaining, restoring or enhancing water quality to meet management objectives, such as meeting wildlife needs;

(8) Restoring, maintaining or enhancing habitats to assist in the recovery

of Federal threatened and endangered species;

(9) Restoring, maintaining or enhancing habitats of Federal proposed,

Federal candidate, and other special status species to promote their

conservation;

(10) Maintaining or promoting the physical and biological conditions to

sustain native populations and communities;

(11) Emphasizing native species in the support of ecological function;

and

(12) Incorporating the use of non-native plant species only in those

situations in which native species are not available in sufficient

quantities or are incapable of maintaining or achieving properly

functioning conditions and biological health.</P>
<P>(f) Until such time as state or regional standards and =
guidelines are=20
developed and in effect, the following standards provided in =
paragraph=20
(f)(1) of this section and guidelines provided in paragraph (f)(2) =
of this=20
section will apply and will be implemented in accordance with =
paragraph=20
(c) of this section.</P>
<P>(1) <I>Fallback standards. </I>(i) Upland soils exhibit =
infiltration=20
and permeability rates that are appropriate to soil type, climate =
and=20
landform.</P>
<P>(ii) Riparian-wetland areas are in properly functioning =
condition.</P>
<P>(iii) Stream channel morphology (including but not limited to =
gradient,=20
width/depth ratio, channel roughness and sinuosity) and functions =
are=20
appropriate for the climate and landform.</P>
<P>(iv) Healthy, productive and diverse populations of native =
species=20
exist and are maintained.</P>
<P>(2) <I>Fallback guidelines. </I>(i) Management practices =
maintain or=20
promote adequate amounts of ground cover to support infiltration, =
maintain=20
soil moisture storage, and stabilize soils;</P>
<P>(ii) Management practices maintain or promote soil conditions =
that=20
support permeability rates that are appropriate to climate and =
soils;</P>
<P>(iii) Management practices maintain or promote sufficient =
residual=20
vegetation to maintain, improve or restore riparian-wetland =
functions of=20
energy dissipation, sediment capture, groundwater recharge and =
stream bank=20
stability;</P>
<P>(iv) Management practices maintain or promote stream channel =
morphology=20
(e.g., gradient, width/depth ratio, channel roughness and =
sinuosity) and=20
functions that are appropriate to climate and landform;</P>
<P>(v) Management practices maintain or promote the appropriate =
kinds and=20
amounts of soil organisms, plants and animals to support the =
hydrologic=20
cycle, nutrient cycle, and energy flow;</P>
<P>(vi) Management practices maintain or promote the physical and=20
biological conditions necessary to sustain native populations and=20
communities;</P>
<P>(vii) Desired species are being allowed to complete seed =
dissemination=20
in 1 out of every 3 years (Management actions will promote the =
opportunity=20
for seedling establishment when climatic conditions and space =
allow.);</P>
<P>(viii) Conservation of Federal threatened or endangered, =
proposed,=20
candidate, and other special status species is promoted by the =
restoration=20

and maintenance of their habitats;

(ix) Native species are emphasized in the support of ecological function;

(x) Non-native plant species are used only in those situations in which native species are not readily available in sufficient quantities or are incapable of maintaining or achieving properly functioning biological health;

(xi) Periods of rest from disturbance or livestock use during times of critical plant growth or regrowth are provided when needed to achieve healthy, properly functioning conditions (The timing and duration of use periods shall be determined by the authorized officer.);

(xii) Continuous, season-long livestock use is allowed to occur only when it has been demonstrated to be consistent with achieving healthy, properly functioning ecosystems;

(xiii) Facilities are located away from riparian-wetland areas wherever they conflict with achieving or maintaining riparian-wetland function;

(xiv) The development of springs and seeps or other projects affecting water and associated resources shall be designed to protect the ecological functions and processes of those sites; and

(xv) Grazing on designated ephemeral (annual and perennial) rangeland is allowed to occur only if reliable estimates of production have been made, an identified level of annual growth or residue to remain on site at the end of the grazing season has been established, and adverse effects on perennial species are avoided.

[60 FR 9969, Feb. 22, 1995, as amended at 61 FR 59835, Nov. 25, 1996;

71 FR 39508, July 12, 2006]

[Subpart 4190-97 Effect of Wildfire Management Decisions](#)

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D43:2.1.1.4.92&idno=3D43#PartTop>

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[A7 & 4190.1 & Effect of wildfire management decisions.](#)

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=b1420a5a6c4de1ef7072665ae58b65af&rgn=3Ddiv5&view=3Dtext&node=3D43:2.1.1.4.92&idno=3D43#PartTop>

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<P>(a) Notwithstanding the provisions of 43 CFR 4.21(a)(1), when =
BLM=20
determines that vegetation, soil, or other resources on the public =
lands=20
are at substantial risk of wildfire due to drought, fuels buildup, =
or=20
other reasons, or at immediate risk of erosion or other damage due =
to=20
wildfire, BLM may make a rangeland wildfire management decision =
effective=20
immediately or on a date established in the decision. Wildfire =
management=20
includes but is not limited to:</P>
<P>(1) Fuel reduction or fuel treatment such as prescribed burns =
and=20
mechanical, chemical, and biological thinning methods (with or =
without=20
removal of thinned materials); and</P>
<P>(2) Projects to stabilize and rehabilitate lands affected by=20
wildfire.</P>
<P>(b) The Interior Board of Land Appeals will issue a decision on =
the=20
merits of an appeal of a wildfire management decision under =
paragraph (a)=20
of this section within the time limits prescribed in 43 CFR =
4.416.</P>
<P>[68 FR 33804, June 5, 2003]</P><HED1>Group 4200=97Grazing =
Administration;=20
Alaska; Livestock</HED1>
<P></P><A=20
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jTSHDejIdNAKtiLIgtzLOXwXrixJvyxJvDHBKpAIKqAEXpiDU6AEJZDF0LACZviANnCDNqhMJRiC
QcjMIVACN1AC0ZiDSPgAHniFymwDJaCEIWBMN+ACE7ytOHxNoYzNHLzAUquut/FFWlyWp/zGXExK
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PE3/PIMCGMwUWMUL3dA09cEevMAGZEoSHdEPLFErQFGqNJLDAFFKrdS5UM55cM5MzdSvLEvgKcuE
3FFI3FFSzuHLVEiy/NQOCIVE8AMVKEgAGARc8AN50Ev1I0grjZM0CAULWAQ86IQCaiAsLEku+Ano
+AMYaQNRqANvYIMCgIFz2AYimIMwWl8wBYBQcIM6YARndYHXGoJF8IQ8AAadjGMaiIVQ0PdTcPEpF
JdESbdrfHNTfDE5LjRFFGMacXmZ83Vd97Vd+/Vd/DVIAHViBLViCPViDTVIExdhLZMFIKIZw4NQZ
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+7TQDUVGdYXK3NRNRmVUEP0btV1btm3bRi0GFpWGWZRYuLVYU61bvL1bvcVbL9AIXIieQfiet9gF
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Y8ToU2WBZuVVLuiBNmiCPmiFTmiGVhyHJjAmiCp5nwj/iq5oi75ojM5ojd5ojqbojXllfM5n8AGf
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m795nM95nd95nu95n/95oA96oR96oi96oz96pE96pV96pm96p/+NgAAA0w==

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Content-Type: image/gif

Content-Transfer-Encoding: base64

Content-Location: <http://ecfr.gpoaccess.gov/e/ecfr/graphics/ret-arrow-generic-grey.gif>

R0lGODlhEAAQALMAADMzM/Ly8oCAGExMTMzMzMjZmZmZmZuXl5f///0BAQFLZWYyMjKamptnZ2QAA
AAAAACH5BAUUAAGALAAAAAAQABAAAAQ7EMlJqw3HalTERkcCEN8kAIBSIg2KMqXhAkmwETPqaYIh
AwNf5oMqrCTFIyJ5RAV9C2L08Fn4rLGLJQIA0w==

-----=_NextPart_000_0000_01CB8B14.5F3581A0

Content-Type: image/gif

Content-Transfer-Encoding: base64

Content-Location: <http://www.access.gpo.gov/ecfr/graphics/ec13no91.013.gif>

R0lGODlh1QApAPAAAP//wAAACwAAAAA1QApAAAC/4SPqcvtD60ctNqLs968+w+G4kiw5omm6sq2
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iufldXXLWKPVirj8v7Nn90Undvc12KCH1704Z+YYAYcHWMgkhNg3htRHFGlF5BaE6WMDiiVqyXII
pvdZSdmYlkdFa6t6Sfi0+BpJ1qtY0xaMm0vL0zvm9wir+3arWfh68onqPBGXTXzh6PsmduX6bd18
YxfahH5t0q70PuqqDve030neCRobKgt+yzpdLKAwSoAAouF3raCySgYF0mQGKeG8cgBdPwr4MOM0
VqdJxN2Atk0UDYwZH26kVwRZsn7RSrpcudAXp4MtQRic+TKnzYsbEKb6qRCSkaFEixo9ijSp0qVM
a0bkgJNhyJgQdebU1iFqopoWrXqdFwolN3SeToGT9zUtDLVs27p9CzduoFL45NpdZc2nz7t8TWD1
0zcwiL8EBRuGqi/o4cU9EwNmDBmb48KRK6/8RdmyZq5bHm/+z0YpSdCGycYjjTq16tWswzcoAAAh
/wtNYXR0VHlwZTAwMf8FAQAERTTVQ0AAATV2LuQWxsQmFzaWNB2RlUGFnZXMAEQVUaw1lcyB0
ZXcgUm9tYW4AEQNTew1ib2wAEQVDb3VyawVyIE5ldwARBE1UIEV4dHJhABIACCEvRY9EL0FQ9BAP
R19BUPIfHkFQ9BUPQQD0RfQl9I9CX0EA9BAPQ19BAPSPRFQqX0j0j0EA9BAPQPSPQX9I9BAPQSpf
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AAIAiDEAAgCCLgACAIgyAAIAiDMAAgSG1wC0AwALAAABAIAAg0YAAgBNg1YAAgCDSQACBIYrACsC
AINCAAIAG0MAAgCDUAACAINJAAIEhhIiLQIAg1AAAgCDUAACAINJAAABAIAiDEAAgCIMAACAIgw
AAAAAAA0w==

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Content-Type: image/gif

Content-Transfer-Encoding: base64

Content-Location: <http://www.gpoaccess.gov/images/bg.gif>

R0lGODlhGgBSAJEAAMwzMzMzmf//wAAACH5BAAAAAALAAAAAAAFIAAAJXLI+py+0Po5y02ouz
3rz7D4biSjBmiabqyrbuC8cJQNf2jef6zvf+DwwKh8Si8YhMKpfMpvMJrcLIgar1is1qt9yu9ws0
i8fksvmMTqvX7Lb7DY/L5+UCADs=

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Content-Type: text/css;

charset="iso-8859-1"

Content-Transfer-Encoding: quoted-printable

Content-Location: <http://ecfr.gpoaccess.gov/e/ecfr/styles/styles.css>

```
.td {
    FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.tr {
    FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.h1 {
    FONT-WEIGHT: bold; FONT-SIZE: 16px; LINE-HEIGHT: 18pt; FONT-FAMILY: =
Arial, Helvetica, sans-serif; Arial:=20
}
.h2 {
    PADDING-RIGHT: 0px; PADDING-LEFT: 0px; FONT-WEIGHT: bold; FONT-SIZE: =
14px; MARGIN-BOTTOM: 0px; PADDING-BOTTOM: 0px; COLOR: #000000; =
LINE-HEIGHT: normal; PADDING-TOP: 0px; FONT-STYLE: normal; FONT-FAMILY: =
Arial, Helvetica, sans-serif
}
```

```

.h3 {
    FONT-WEIGHT: bold; FONT-SIZE: 12px; MARGIN-BOTTOM: 0px; LINE-HEIGHT: =
normal; FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.caption {
    FONT-WEIGHT: bold; FONT-SIZE: 12px; MARGIN-BOTTOM: 0px; LINE-HEIGHT: =
normal; FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.footer {
    BACKGROUND-POSITION: center 50%; FONT-SIZE: 10px; FONT-FAMILY: Arial, =
Helvetica, sans-serif; TEXT-ALIGN: center
}
.top {
    FONT-SIZE: 10px; FONT-FAMILY: Arial, Helvetica, sans-serif; TEXT-ALIGN: =
right
}
.tablespacing {
    PADDING-RIGHT: 5px; PADDING-LEFT: 5px; PADDING-BOTTOM: 5px; =
PADDING-TOP: 10px
}
.fontsmall {
    FONT-SIZE: 11px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.navigation {
    FONT-SIZE: 10px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.invisiblelink {
    FONT-SIZE: 10px; COLOR: #ffffff; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-DECORATION: none
}
A.menubar:link {
    COLOR: blue
}
A.menubar:visited {
    COLOR: purple
}
A.menubar:hover {
    COLOR: #cc3333
}
A.menubar:active {
    COLOR: purple
}
.toplogo {
    FONT-WEIGHT: bold; FONT-SIZE: 14px; MARGIN-BOTTOM: 0px; LINE-HEIGHT: =
normal; FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.search {
    FONT-SIZE: 10px; CLIP: ; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.side {
    FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.subparagraph {
    FONT-WEIGHT: normal; FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TOP: -5px
}
.head {
    FONT-WEIGHT: bolder; FONT-SIZE: 18px; FONT-FAMILY: Arial, Helvetica, =
sans-serif
}
.recentupdateslink {
    FONT-WEIGHT: bolder; FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
}

```

```

.updatestitle {
    FONT-WEIGHT: bold; FONT-SIZE: 14px; COLOR: #ff0000; TEXT-INDENT: 5pt; =
FONT-FAMILY: Arial, Helvetica, sans-serif; TEXT-ALIGN: left
}
.updatebodytest {
    BACKGROUND-POSITION: left 50%; FONT-WEIGHT: normal; FONT-SIZE: 12px; =
FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif; =
TEXT-ALIGN: left; FONT-VARIANT: normal
}
.updatebold {
    BACKGROUND-POSITION: left 50%; FONT-WEIGHT: bold; FONT-SIZE: 12px; =
FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif; =
TEXT-ALIGN: left
}
.body {
    COLOR: #000000; FONT-FAMILY: Arial, sans-serif; BACKGROUND-COLOR: =
#ffffff
}
.a {
    TEXT-DECORATION: underline
}
.a:link {
    COLOR: blue; BACKGROUND-COLOR: #ffffff
}
.a:visited {
    COLOR: red; BACKGROUND-COLOR: #ffffff
}
.a:active {
    COLOR: #ff0000; BACKGROUND-COLOR: #ffffff
}
.p {
    FONT-WEIGHT: normal; WIDTH: 474px; BACKGROUND-REPEAT: no-repeat; =
FONT-FAMILY: Arial, sans-serif; TEXT-ALIGN: center
}
.title {
    FONT-WEIGHT: bold; FONT-SIZE: 20px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
}
.subtitle {
    FONT-WEIGHT: bold; FONT-SIZE: 14px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
}
.mainheader {
    FONT-WEIGHT: bold; FONT-SIZE: 130%
}
.chapter {
    FONT-WEIGHT: bold; FONT-SIZE: 16px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
}
.subchapter {
    FONT-WEIGHT: bold; FONT-SIZE: 14px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
}
.part {
    FONT-WEIGHT: bold; FONT-SIZE: 100%
}
.subpart {
    FONT-SIZE: 90%; COLOR: blue; BACKGROUND-COLOR: #ffffff
}
.nopart {
    COLOR: green; BACKGROUND-COLOR: #ffffff
}
.reserved {
    COLOR: red; BACKGROUND-COLOR: #ffffff
}

```

```
}
.menu {
    FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.hilite {
    FONT-WEIGHT: bold; COLOR: #cc0000
}
```

```
-----=_NextPart_000_0000_01CB8B14.5F3581A0
Content-Type: text/css;
    charset="iso-8859-1"
Content-Transfer-Encoding: 7bit
Content-Location: http://ecfr.gpoaccess.gov/e/ecfr/styles/print.css
```

```
#topnav {
    DISPLAY: none
}
#leftnav {
    DISPLAY: none
}
.tablespaceing {
    PADDING-LEFT: 0px
}
```

```
-----=_NextPart_000_0000_01CB8B14.5F3581A0--
```