§ 2812.1–2

Contents.

(a) An individual applicant and each member of any unincorporated association which is an applicant must state in the application whether he is a native born or a naturalized citizen of the United States. Naturalized citizens will be required to furnish evidence of naturalization pursuant to the provisions of § 2802.1–4.

(b) An application by a private corporation must be accompanied by two copies of its articles of incorporation, one of which must be certified by the proper official of the company under its corporate seal, or by the secretary of the State where organized. A corporation organized in a State other than Oregon must submit a certificate issued by the State of Oregon attesting that the corporation is authorized to transact business within that State. The requirements of this paragraph shall be deemed satisfied if the corporation, having once filed the required documents, makes specific reference to the date and case number of such previous applications, states what changes, if any, have been made since the prior filings, and includes a statement that the right of the company to do business in the State of Oregon has not lapsed or terminated.

(c) Where the application is for a right-of-way on any portion of which the applicant proposes to construct a road, it must be accompanied by two copies of a map prepared on a scale of 4 inches or 8 inches to the mile. Showing the survey of the right-of-way so that it may be accurately located on the ground. The map should comply with the following requirements, except as the authorized officer may waive in any particular instance all or any of such requirements:

Courses and distances of the center line of the right-of-way should be given; the courses referred to the true meridian and the distance in feet and decimals thereof. The initial and terminal points of the survey must be accurately connected by course and distance to the nearest readily identifiable corner of the public land surveys, or, if there be no such corner within two miles, then connected to two permanent and prominent monuments or natural objects. All subdivisions of the public lands surveys, any part of which is within the limits of the survey, should be shown in their entirety, based upon the official subsisting plat with subdivisions, section, township, and range clearly marked. The width of the right-of-way should be given; and if not of uniform width, the locations and amount of change must be definitely shown. There shall also be a statement on the face of or appended to the map indicating the grade and usable width of the road to be constructed, the type of material which will be used for the surface, the type and extent of the drainage facilities, and the type of construction and estimated capacity of any bridges. The map should bear upon its face the statement of the person who made the survey, if any, and the certificate of the applicant; such statement and certificate should be as set out in Forms as approved by the Director.

(d) Where the application is for the use of an existing road, a map adequate to show the location thereof will be required, together with a statement of the specific nature and location of any proposed improvements to such road. A blank map suitable for most cases may be procured from the appropriate district forester.

(e) Every application for a right-of-way must also be accompanied by a diagram indicating the roads and rights-of-way which form an integral part of the road system with which the requested right-of-way will connect, the portions of such road system which the applicant directly controls within the meaning of § 2812.0–5(i), the portions thereof which the applicant indirectly controls within the meaning of § 2812.0–5(j), and the portions thereof as to which the applicant has no control within the meaning of such sections. As to the portions over which the applicant has no control, he must furnish a statement showing for the two years preceding the date of the filing of the application the roads
application, all periods of time that he
had direct or indirect control thereof,
and the date and nature of any changes
in such control. The diagram shall also
contain the name of the person whom
the applicant believes directly controls
any portion of such road system which
the applicant does not directly control.
Where a right-of-way for a railroad is
involved, the applicant must indicate
which portions of the right-of-way will
be available for use as truck roads
upon the removal of the rails and ties
and the probable date of such removal.
Blank diagram forms, suitable for most
cases, may be obtained from the appro-
priate district forester.

§ 2812.2–3 Construction in advance of
permit.

The authorized officer may grant an
applicant authority to construct im-
provements on a proposed right-of-way
prior to a determination whether the
permit should issue. Such advance au-
thority shall not be construed as any
representation or commitment that a
permit will issue. Upon demand by the
authorized officer, the applicant will
fully and promptly comply with all the
requirements imposed under and by
this paragraph. Advance construction
will not be authorized unless and until
applicant has complied with §§2812.1–1,
2812.1–2, 2812.3–1 and 2812.5–1.

§ 2812.2–3 Right of permittee to au-
thorize use by third parties.

A permittee may not authorize other
persons to use the right-of-way for the
transportation of forest products which
are not owned by the permittee. Any
person, other than the permittee or a
licensee of the United States who de-
sires to use the right-of-way for such
purposes, is required to make applica-
tion therefor and to comply with all
the provisions of these regulations re-
lating to applications and applicants:
Provided, however, That upon the re-
quest of a permittee the authorized of-
ficer may, with respect to an inde-
pendent contractor who desires to use
such right-of-way for the transpor-
tation of forest products owned by such
independent contractor and derived
from timber or logs acquired by him
from such permittee, waive the re-
quirements of this sentence. Where the
right-of-way involved has been sub-
stantially improved by the holder of an
outstanding permit, any subsequent
permit issued for the same right-of-way
will be conditioned upon the subse-
quent permittee's agreement while the
prior permit is outstanding, to be
bound by the road rules of and to pay
fair compensation to, the prior per-
mittee, such rules and compensation to
be agreed upon by the prior and subse-
quent permittee in accordance with the
procedures and standards established
by the regulations in §§2812.4–1, 2812.4–
3, and 2812.4–4 of this subpart.

§ 2812.2 Nature of permit.

§ 2812.2–1 Nonexclusive license.

Permits for rights-of-way for
tramroads, do not constitute ease-
ments, and do not confer any rights on
the permittee to any material for con-
struction or other purposes except, in
accordance with the provisions of
§§2812.6–2 and 2812.8–3, such materials
as may have been placed on such lands
by a permittee. The permits are merely
nonexclusive licenses to transport for-
est products owned by the permittee.
Such permits may be canceled pursu-
ant to §2812.8.

§ 2812.3 Unauthorized use, occu-
pancy, or development.

Any use, occupancy, or development
of the Revested Oregon and California
Railroad and Reconveyed Coos Bay
Wagon Road Grant Lands (O&C) lands
(as is defined in 43 CFR 2812.0–5(e)), for
tramroads without an authorization
pursuant to this subpart, or which is
beyond the scope and specific limita-
tions of such an authorization, or that
cause unnecessary or undue degrada-
tion, is prohibited and shall constitute
a trespass as defined in §2808.10 of this
chapter. Anyone determined by the au-
thorized officer to be in violation of
this section shall be notified of such
trespass in writing and shall be liable
to the United States for all costs and
payments determined in the same man-
ner as set forth in subpart 2808 of this
chapter.

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