of title 16 U.S.C., and deemed necessary by the Secretary of the Interior, shall be guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding 6 months, or by both such fine and imprisonment.


§ 9268.4 Visual resource management. [Reserved]

§ 9268.5 Wilderness management. [Reserved]

§ 9268.6 Environmental education and protection. [Reserved]

Subpart 9269—Technical Services

§ 9269.0–3 Authority.

(a) The provisions of this subpart are issued under the authority of R.S. 2478; 43 U.S.C. 1201.

(b) In addition to liability for trespass on the public lands, as indicated in parts 9230 and 9260 of this title, persons responsible for such trespass may be prosecuted criminally under any applicable Federal law. Penalties are prescribed by the following statutes:

(1) Timber trespass. 18 U.S.C. 1852, 1853.

(2) Turpentine trespass. 18 U.S.C. 1854.


§ 9269.3 Criminal trespass.

§ 9269.3–1 General management. [Reserved]

§ 9269.3–2 Land resource management. [Reserved]

§ 9269.3–3 Minerals management.

(a) Oil and gas leasing. [Reserved]

(b) Geothermal resources leasing. [Reserved]

(c) Outer continental shelf leasing. [Reserved]

(d) Coal management—(1) Trespass. Mining operations conducted prior to the effective date of a lease shall constitute an act of trespass and be subject to penalties specified in §9239.5 of this title.

(2) Penalty for unauthorized exploration for coal. (i) Any person who willfully conducts coal exploration for commercial purposes without an exploration license issued under part 3410 of this title shall be subject to a fine of not more than $1,000 for each day of violation.

(ii) All data collected by said person on any Federal lands as a result of such violations shall immediately be made available to the Secretary, who shall make the data available to the public as soon as possible.

(iii) No penalty under this section may be assessed unless such person is given notice and opportunity for a hearing with respect to such violation pursuant to part 4 of this title.

(e) Minerals other than oil, gas and coal. [Reserved]

(f) Minerals materials disposal. [Reserved]

(g) Multiple use mining. [Reserved]

(h) Mining claims under the general mining laws. [Reserved]

§ 9269.3–4 Range management.

(a) Grazing administration—exclusive of Alaska—(1) Unlawful enclosures or occupancy. Section 1 of the Act of February 25, 1885 (43 U.S.C. 1061), declares any enclosure of public lands made or maintained by any party, association, or corporation who “had no claim or color of title made or acquired in good faith, or an asserted right thereto, by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such enclosure was or shall be made” to be unlawful and prohibits the maintenance or erection thereof. (See §9269.3–4(a)(2) of this title).

(2) Penalties. Under section 4 of the Act of February 25, 1885 (43 U.S.C. 1064), any person violating any of the provisions of this Act, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined a sum not exceeding $1,000, or be imprisoned not exceeding one year, or both, for each offense.

(b) Grazing administration; Alaska; livestock. (1) Grazing livestock upon, allowing livestock to drift and graze on,
or driving livestock across lands that are subject to lease or permit under the provisions of part 9230 of this title or
within a stock driveway, without a lease or other authorization from the
Bureau of Land Management, is prohibited and constitutes trespass. Tres-
passers will be liable in damages to the United States for forage consumed and
for injury to Federal property, and may be subject to criminal prosecution
for such unlawful acts. A lessee who grazes livestock in violation of the
terms and conditions of his lease by ex-
ceeding numbers specified, or by allow-
ing the livestock to be on Federal land
in an area or at a time different from
that designated in his lease shall be in
default and shall be subject to the pro-
visions of § 4220.7 (g) and (h) of this
title.

(2) Penalties. Under section 2 of the
Taylor Grazing Act, any person who
willfully grazes livestock in such areas
without such authority shall, upon
conviction, be punished by a fine of not
more than $500.

(c) Grazing administration; Alaska;
reindeer. (1) Any use of the Federal
lands for reindeer grazing purposes, un-
less authorized by a valid permit issued
in accordance with the regulations in
part 4300 of this title, is unlawful and is
prohibited.

(2) Penalties. Any person who will-
fully violates any of the rules and regu-
lations in part 4300 of this title shall be
deemed guilty of a misdemeanor, and
upon conviction thereof shall be pun-

ishable by imprisonment for not more
than one year, or by a fine of not more
than $500.

(d) Wild free-roaming horse and burro
protection, management, and control.
[Reserved]

§ 9269.3–5 Timber management.

(a) Sales of forest products; general.
[Reserved]

(b) Non-sale disposals; general—(1) Un-
authorized cutting of timber-mineral and
non-mineral lands. (i) The cutting or re-
moving of the timber referred to in
§§ 5511.1 to 5511.1–4 of this title in any
other manner than that authorized by
such sections will be considered a tresp-
apass.

(ii) The cutting of timber for sale and
speculation, or for use by others than
the permittee, is strictly prohibited.

(iii) Where permits are secured by
fraud or timber is not used in accord-
ance with §5511.1–4 of this title, the
Government will enforce the same civil
and criminal liabilities as in other
cases of timber trespass upon public
lands.

(2) Unauthorized cutting of timber—
Alaska. The cutting of the timber from
the public land in Alaska, other than
in accordance with the terms of the
law and §§ 5511.2 to 5511.2–6 of this title
shall render the persons responsible for
trespass and such persons may be pros-
ecuted criminally under title 18 U.S.C.,
(see §9265.5(d) of this title), or under
State law.