

## **SUBCHAPTER E—FOREST MANAGEMENT (5000)**

### **Group 5000—Forest Management General**

#### **PART 5000—ADMINISTRATION OF FOREST MANAGEMENT DECISIONS**

##### **Subpart 5003—Administrative Remedies**

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##### **Subpart 5004 [Reserved]**

AUTHORITY: 43 U.S.C. 2601; 30 U.S.C. 601 *et seq.*; 43 U.S.C. 1701.

SOURCE: 85 FR 82372, Dec. 18, 2020, unless otherwise noted.

##### **Subpart 5003—Administrative Remedies**

###### **§ 5003.1 Effect of decisions; general.**

Notwithstanding the provisions of 43 CFR 4.21(a):

(a) The authorized officer may make a forest management decision, as described in § 5003.2, effective immediately or on a date established in the decision. The filing of a petition for a stay pending appeal under 43 CFR part 4 shall not automatically suspend the effect of a forest management decision issued under § 5003.2.

(b) Where the Bureau of Land Management (BLM) determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a wildfire management decision made under this part and parts 5400 through 5510 of this subchapter effective immediately or on a date established in the decision. Wildfire management includes but is not limited to:

(1) Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning

methods (with or without removal of thinned materials); and

(2) Projects to stabilize and rehabilitate lands affected by wildfire.

(c) The Interior Board of Land Appeals will issue a decision on the merits of an appeal of a wildfire management decision under paragraph (b) of this section within the time limits prescribed in 43 CFR 4.416.

###### **§ 5003.2 Notice of forest management decisions.**

(a) The BLM authorizes forest management activities, which are defined in § 5003.4, by issuing forest management decisions. Forest management decisions that the BLM may make effective immediately pursuant to § 5003.1(a) shall be posted on a designated agency website while also:

(1) Publishing a notice in a newspaper of general circulation in the area;

(2) Sending a notice by direct or electronic mail to a list of parties requesting direct notification; or

(3) Broadcasting a notice on one or more mass-media platforms.

(b) The posting date of the forest management decision on the agency website establishes the effective date of the decision for purposes of an appeal under 43 CFR part 4.

###### **§ 5003.3 [Reserved]**

###### **§ 5003.4 Definitions: General.**

*Forest management activity* generally means activities with a silvicultural or forest protection objective including associated actions needed to carry out the silvicultural or forest protection objective, such as construction and maintenance of roads and improvements.

###### **§ 5003.5 Severability.**

If a court holds any provisions of the regulations in this subpart or their applicability to any person or circumstances invalid, the remainder of this subpart and its applicability to other people or circumstances will not be affected.

**Subpart 5004 [Reserved]****PART 5040—SUSTAINED-YIELD FOREST UNITS**

## Sec.

5040.1 Under what authority does BLM establish sustained-yield forest units?  
 5040.2 What will BLM do before it establishes sustained-yield forest units?  
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 5040.5 How does BLM determine and declare the annual productive capacity?

AUTHORITY: 43 U.S.C. 1181e; 43 U.S.C. 1740.

SOURCE: 63 FR 13132, Mar. 18, 1998, unless otherwise noted.

**§ 5040.1 Under what authority does BLM establish sustained-yield forest units?**

BLM is authorized, under the O. and C. Lands Act (43 U.S.C. 1181a *et seq.*) and the Federal Land Policy and Management Act, to divide the lands it manages in western Oregon into sustained-yield forest units. These lands are hereafter referred to as "the O. and C. lands." BLM establishes units that contain enough forest land to provide, insofar as practicable, a permanent source of raw materials to support local communities and industries, giving due consideration to established forest products operations.

**§ 5040.2 What will BLM do before it establishes sustained-yield forest units?**

Before BLM designates sustained-yield forest units, it will:

(a) Hold a public hearing in the area where it proposes to designate the units. BLM will provide notice, approved by the BLM Director, to the public of any hearing concerning sustained-yield forest units. This notice must be published once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which the forest units are situated. BLM may also publish the notice in a trade publication; and

(b) Forward the minutes or meeting records to the BLM Director, along with an appropriate recommendation concerning the establishment of the units.

**§ 5040.3 How does BLM establish sustained-yield forest units?**

After a public hearing, BLM will publish a notice in a newspaper of general circulation in the county or counties affected by the proposed units, stating whether or not the BLM Director has decided to establish the units. If the BLM Director determines that the units should be established, BLM will include in its notice information on the geographical description of the sustained-yield forest units, how the public may review the BLM document that will establish the units, and the date the units will become effective. BLM will publish the notice before the units are established.

**§ 5040.4 What is the effect of designating sustained-yield units?**

Designating new sustained-yield forest units abolishes previous O. and C. master unit or sustained-yield forest unit designations. Until new sustained-yield forest units are designated for the first time in accordance with 43 CFR part 5040, the current master unit designations will continue to be in effect.

**§ 5040.5 How does BLM determine and declare the annual productive capacity?**

(a) If BLM has not established sustained-yield forest units under part 5040, then BLM will determine and declare the annual productive capacity by applying the sustained-yield principle to the O. and C. lands, treating them as a single unit.

(b) If BLM has established sustained-yield forest units under part 5040, then BLM will determine and declare the annual productive capacity by applying the sustained-yield principle to each separate forest unit.

(c) If it occurs that BLM has established sustained-yield forest units for less than all of the O. and C. lands, then BLM will determine and declare the annual productive capacity as follows:

(1) BLM will treat sustained-yield forest units as in paragraph (b) of this section; and

(2) BLM will treat any O. and C. lands not located within sustained-yield forest units as a single unit.