

Bureau of Land Management, Interior**§ 5500.0-3**

paid in advance as a condition of granting an extension.

(c) For a scale sale each species of timber remaining on the contract area shall be reappraised. The reappraised unit price for each species shall be effective for the remaining life of the contract: *Provided, however,* The reappraised unit price for each species shall not be less than the unit price established by the contract or previous extension.

[52 FR 42587, Nov. 5, 1987 and 53 FR 31002, Aug. 17, 1988, as amended at 56 FR 33833, July 23, 1991; 57 FR 37477, Aug. 19, 1992]

Subpart 5474—Contract Assignment**§ 5474.1 Conditions; general.**

(a) The purchaser may not assign the contract or any interest therein without the written approval of the authorized officer. An assignment shall contain all the terms and conditions agreed upon by the parties thereto.

(b) The authorized officer will not approve any proposed assignment involving contract performance unless the assignee (1) is authorized to transact business in the State in which the timber or other vegetative resource is located; (2) submits such information as is necessary to assure the authorized officer of his ability to fulfill the contract; and (3) furnishes a performance bond as required by subpart 5451 of this chapter or obtains a commitment from the previous surety to be bound by the assignment when approved. Upon approval of an assignment by the authorized officer, the assignee shall be entitled to all the rights and subject to all the obligations under the contract, and the assignor shall be released from any further liability under the contract.

Group 5500—Nonsale Disposals**PART 5500—NONSALE DISPOSALS; GENERAL****Subpart 5500—Nonsale Disposals; General**

Sec.

5500.0-3 Authority.

5500.0-5 Definitions.

SOURCE: 35 FR 9789, June 13, 1970, unless otherwise noted.

Subpart 5500—Nonsale Disposals; General

AUTHORITY: 30 U.S.C. 601 *et seq.*, 43 U.S.C. 315, 423.

§ 5500.0-3 Authority.

(a) The Act of July 31, 1947 (61 Stat. 681), as amended by the Acts of July 23, 1955 (69 Stat. 367, 30 U.S.C. 601 *et seq.*) and the Act of September 25, 1962 (76 Stat. 587) authorizes the disposal of timber and other vegetative resources on public lands of the United States including lands embraced within an unpatented mining claim located after July 23, 1955, if the disposal of such resources is not otherwise expressly authorized by law including, but not limited to, the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315 through 315o-1), as amended, and the United States mining laws; is not expressly prohibited by laws of the United States; and would not be detrimental to the public interest.

(1) The Act also authorizes the United States, its permittees, and licensees to use so much of the surface of any unpatented mining claim located under the mining law of the United States after July 23, 1955, as may be necessary for access to adjacent land for the purposes of such permittees or licensees. Any authorized use of the surface of any such mining claim shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto.

(2) Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under the regulations in this subpart only with the consent of such other Federal department or agency or of such State, or local governmental unit. The Act of July 23, 1955, *supra*, provides, however, that the Secretary of Agriculture shall dispose of materials under the Act of July 31, 1947, as amended, *supra*, if such

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materials are on lands administered by the Secretary of Agriculture for national forest purposes or for purposes of Title III of the Bankhead-Jones Farm Tenant Act or where withdrawn for the purpose of any other function of the Department of Agriculture.

(3) The provisions of the Act of July 23, 1955, *supra*, in disposal of vegetative or mineral materials do not apply to lands in any national park, or national monument or to any Indian lands or lands set aside or held for the use or benefit of Indians including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians.

§ 5500.0-5 Definitions.

Except as the context may otherwise indicate, as the terms are used in parts 5500 through 5520 of this chapter and in contracts issued thereunder:

(a) *Bureau* means the Bureau of Land Management, Department of the Interior.

(b) *Director* means the Director of the Bureau of Land Management.

(c) *Authorized Officer* means an employee of the Bureau of Land Management, to whom has been delegated the authority to take action.

(d) *O. and C. Lands* means the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands and other lands administered by the Bureau of Land Management under the provisions of the Act of August 28, 1937 (50 Stat. 874).

(e) *Public Lands* means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, including *O. and C. Lands*, without regard to how the United States acquired ownership, except:

(1) Lands located on the Outer Continental Shelf; and

(2) Lands held for the benefit of Indians, Aleuts, and Eskimos.

(f) *Timber* means standing trees, downed trees or logs which are capable of being measured in board feet.

(g) *Other vegetative resources* means all vegetative material which cannot

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be measured in units of board feet of timber.

[35 FR 9789, June 13, 1970, as amended at 85 FR 82375, Dec. 18, 2020]

PART 5510—FREE USE OF TIMBER

Subpart 5510—Free Use of Timber; General

Sec.

5510.0-3 Authority.

Subpart 5511—Free Use Regulations

5511.1 Act of 1878.

5511.1-1 Free use of timber on mineral and nonmineral public lands.

5511.1-2 [Reserved]

5511.1-3 Use of timber on lands covered by grazing leases, by lessees, and others.

5511.2 Act of 1898 (Alaska).

5511.2-1 Free use privilege; cutting by agent.

5511.2-2 Free use of timber for Government purposes.

5511.2-3 Permits.

5511.2-4 Timber on withdrawn lands.

5511.3 Act of 1947.

5511.3-1 Free use of timber under other statutes.

5511.3-2 Permits.

5511.3-3 Conservation practices.

5511.3-4 Removal by agent.

5511.3-5 Removal of improvements.

5511.3-6 Permits to governmental units.

5511.3-7 Permits to non-profit organizations.

5511.3-8 Permits to mining claimants.

5511.4 Prohibited acts.

5511.5 Penalties.

AUTHORITY: 61 Stat. 681, as amended; 69 Stat. 367; 48 Stat. 1269, sec. 11, 30 Stat. 414, as amended, R.S. 2478, sec. 32, 41 Stat. 450; 30 U.S.C. 601 *et seq.*, 43 U.S.C. 315, 48 U.S.C. 423, 43 U.S.C. 1201, 30 U.S.C. 189.

SOURCE: 35 FR 9790, June 13, 1970, unless otherwise noted.

Subpart 5510—Free Use of Timber; General

§ 5510.0-3 Authority.

(a) *Nonsale disposals Act of June 3, 1878.* (1) Authority for free use of timber on mineral and nonmineral public lands. Section 5511 is issued under authority of the Act of June 3, 1878 (20 Stat. 88; 16 U.S.C. 604 through 606) and March 3, 1891 (26 Stat. 1093; 16 U.S.C. 607), as supplemented by the Act of January 11, 1921 (41 Stat. 1088; 16 U.S.C. 604, 612), settlers upon public lands,