

## § 3601.52

### § 3601.52 After I finish my operations, when must I remove improvements and equipment?

After your contract or permit period expires, or after cancellation of your permit or contract, BLM will allow you up to 90 days, excluding periods of inclement weather, to remove the equipment, personal property, and any other improvements that you placed on the public lands. You may leave in place improvements such as roads, culverts, and bridges if BLM consents. If you fail to remove equipment, personal property, or any other improvement, it becomes the property of the United States. However, you remain liable for the cost of its removal and for restoration of the site.

#### CONTRACT AND PERMIT CANCELLATION

### § 3601.60 Cancellation.

### § 3601.61 When may BLM cancel my contract or permit?

BLM may cancel your contract or free use permit if you:

- (a) Fail to comply with the provisions of the Materials Act of 1947, as amended (30 U.S.C. 601 *et seq.*);
- (b) Fail to comply with any applicable regulations; or
- (c) Default in the performance of any material term, covenant, or stipulation in the contract.

### § 3601.62 Cancellation procedure.

- (a) BLM will give you written notice of any defaults, breach, or cause of forfeiture, either in person or by certified mail. You have 30 days after receiving the notice:
  - (1) To correct all defaults;
  - (2) To request an extension of time in which to correct the defaults; or
  - (3) To submit evidence showing to BLM's satisfaction why we should not cancel your contract or free use permit.
- (b) If you fail to respond to the notice under paragraph (a) of this section, or if delivery of the notice is refused, or not completed as described in § 1810.2 of this chapter, BLM may cancel the contract or permit.

## 43 CFR Ch. II (10–1–13 Edition)

#### UNAUTHORIZED USE

### § 3601.70 Unauthorized use.

### § 3601.71 What constitutes unauthorized use?

(a) Except as provided in paragraph (b) of this section, you must not extract, sever, or remove mineral materials from public lands under the jurisdiction of the Department of the Interior, unless BLM or another Federal agency with jurisdiction authorizes the removal by sale or permit. Violation of this prohibition constitutes unauthorized use.

(b) If you own the surface estate of lands with reserved Federal minerals, you may use mineral materials within the boundaries of your surface estate without a sales contract or permit only in the following circumstances:

- (1) You use a minimal amount of mineral materials for your own personal use;
- (2) You have statutory authority to use the mineral materials; or
- (3) You have other express authority to use the mineral materials.

### § 3601.72 What are the consequences of unauthorized use?

Unauthorized users are liable for damages to the United States, and are subject to prosecution for such unlawful acts (see subpart 9239 of this chapter).

#### APPEALS

### § 3601.80 How do I appeal a final decision by BLM?

If a BLM decision adversely affects you, you may appeal the decision in accordance with parts 4 and 1840 of this title.

## Subpart 3602—Mineral Materials Sales

#### APPLICATIONS

### § 3602.10 Applying for a mineral materials sales contract.

### § 3602.11 How do I request a sale of mineral materials?

(a) You may submit a written request for sale of mineral materials to the BLM office with jurisdiction over the