Subpart 9212—Wildfire Prevention

§ 9212.0–1 Purpose.
The purpose of this subpart is to set forth procedures to prevent wildfires on the public lands.

§ 9212.0–2 Objective.
The objective of this subpart is to prevent wildfires on the public lands.

§ 9212.0–3 Authority.
This subpart is issued under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

§ 9212.0–5 Definitions.
As used in this subpart, the term:
(a) Person means individuals, corporations, companies, associations, firms, partnerships, societies or joint stock companies.
(b) Authorized officer means any employee of the Bureau of Land Management to whom has been delegated the authority to perform the duties described in this subpart.
(c) Public lands means any lands and interest in lands owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, 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.
(d) Fire means the burning of timber, trees, slash, brush, tundra, grass or other flammable material such as, but not limited to, petroleum products, trash, rubbish, lumber, paper, cloth or agricultural refuse occurring out of doors and includes campfire as defined in this section.
(e) Campfire means a controlled fire occurring out of doors used for cooking, branding, personal warmth, lighting, ceremonial or esthetic purposes.
(f) Permit means authorization in writing by the authorized officer.
(g) Closed area means public lands closed to entry by a Bureau of Land Management fire prevention order.
(h) Wildlife means any wildland fire that requires a suppression response.
(i) Restricted area means public lands restricted as to use(s) by a Bureau of Land Management fire prevention order.

§ 9212.2 Fire prevention orders.
(a) To prevent wildfire or facilitate its suppression, an authorized officer may issue fire prevention orders that close entry to, or restrict uses of, designated public lands.
(b) Each fire prevention order shall:
§ 9212.3 Permits.

(a) Permits may be issued to enter and use public lands designated in fire prevention orders when the authorized officer determines that the permitted activities will not conflict with the purpose of the order.

(b) Each permit shall specify:

(1) The public lands, roads, trails or waterways where entry or use is permitted;

(2) The person(s) to whom the permit applies;

(3) Activities that are permitted in the closed area;

(4) Fire prevention requirements with which the permittee shall comply; and

(5) An expiration date.

(c) An authorized officer may cancel a permit at any time.

§ 9212.4 Penalties.

Any person who knowingly and willfully violates the regulations at §9212.1 of this title shall, upon conviction, be subject to a fine of not more than $1,000 or to imprisonment of not more than 12 months, or both.

PART 9230—TRESPASS

Subpart 9239—Kinds of Trespass

Sec.

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9239.1–3 Measure of damages.
9239.2 Unlawful enclosures or occupancy.
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9239.2–4 Filing of charges or complaints.
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9239.5 Minerals.
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9239.6 Materials.
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9239.7 Right-of-way.


SOURCE: 35 FR 9800, June 13, 1970, unless otherwise noted.

Subpart 9239—Kinds of Trespass

§ 9239.0–3 Authority.

(a) Sections 9239.0–3 to 9239.7 are issued under the authority of R.S. 2478; 43 U.S.C. 1261.

(b) In addition to liability for trespass on the public lands, as indicated in this part, 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.


§ 9239.0–7 Penalty for unauthorized removal of material.

The extraction, severance, injury, or removal of timber or other vegetative resources or mineral materials from public lands under the jurisdiction of the Department of the Interior, except when authorized by law and the regulations of the Department, is an act of trespass. Trespassers will be liable in damages to the United States, and will be subject to prosecution for such unlawful acts.