

Title 43: Public Lands: Interior

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PART 3620—FREE USE OF PETRIFIED WOOD

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Authority: 30 U.S.C. 601 *et seq.*; 43 U.S.C. 1201, 1732, 1733, 1740; Sec. 2, Act of September 28, 1962 (Pub. L. 87–713, 76 Stat. 652).

Source: 48 FR 27015, June 10, 1983, unless otherwise noted.

Subpart 3622—Free Use of Petrified Wood

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§ 3622.1 Program: General.

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(a) Persons may collect limited quantities of petrified wood for noncommercial purposes under terms and conditions consistent with the preservation of significant deposits as a public recreational resource.

(b) The purchase of petrified wood for commercial purposes is provided for in §3602.10 *et seq.* of this chapter.

[48 FR 27015, June 10, 1983, as amended at 66 FR 58909, Nov. 23, 2001]

§ 3622.2 Procedures; permits.

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No application or permit for free use is required except for specimens over 250 pounds in weight. The authorized officer may issue permits, using the procedures of subpart 3604 of this chapter, for the removal of such specimens if the applicant certifies that they will be displayed to the public in a museum or similar institution.

[48 FR 27015, June 10, 1983, as amended at 66 FR 58909, Nov. 23, 2001]

§ 3622.3 Designation of areas.

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(a) All public lands administered by the Bureau of Land Management and the Bureau of Reclamation are open to or available for free use removal of petrified wood unless otherwise provided for by notice in the Federal Register. Free use areas under the jurisdiction of said Bureaus may be modified or cancelled by notices published in the Federal Register.

(b) The heads of other Bureaus in the Department of the Interior may publish in the Federal Register designations, modifications or cancellations of free use areas for petrified wood on lands under their jurisdiction.

(c) The Secretary of the Interior may designate, modify or cancel free use areas for petrified wood on public lands which are under the jurisdiction of other Federal departments or agencies, other than the Department of Agriculture, with the consent of the head of other Federal departments or agencies concerned, upon publication of notice in the Federal Register.

§ 3622.4 Collection rules.

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(a) *General.* The authorized officer shall control the removal without charge of petrified wood from public lands using the following criteria:

(1) The maximum quantity of petrified wood that any one person is allowed to remove without charge per day is 25 pounds in weight plus one piece, provided that the maximum total amount that one person may remove in one calendar year shall not exceed 250 pounds. Pooling of quotas to obtain pieces larger than 250 pounds is not allowed.

(2) Except for holders of permits issued under subpart 3604 of this chapter to remove museum pieces, no person shall use explosives, power equipment, including, but not limited to, tractors, bulldozers, plows, power-shovels, semi-trailers or other heavy equipment for the excavation or removal of petrified wood.

(3) Petrified wood obtained under this section shall be for personal use and shall not be sold or bartered to commercial dealers.

(4) The collection of petrified wood shall be accomplished in a manner that prevents hazards to public health and safety, and minimizes and mitigates environmental damage.

(b) *Additional rules.* The head of the agency having jurisdiction over a free use area may establish and publish additional rules for collecting petrified wood for noncommercial purposes to supplement those included in paragraph (a) of this section.

[48 FR 27015, June 10, 1983, as amended at 66 FR 58909, Nov. 23, 2001]

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PART 5510—FREE USE OF TIMBER

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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

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§ 5510.0-3 Authority.

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(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, citizens and *bona fide* residents of the State, and corporations doing business in the State may obtain free use permit for timber.

(2) Authority for the issuance of regulations governing the free use of timber for fuel in drilling operations by oil and gas lessees is contained in section 32 of the Act of February 25, 1920 (41 Stat. 405; 30 U.S.C. 189).

Cross Reference:

For additional free use privileges, see §5511.3.

(b) *Nonsale disposals Act of July 23, 1955.* The Act of July 23, 1955, supra, authorizes the Secretary of the Interior in his discretion to permit free use of timber or other vegetative resources or mineral materials by any Federal or State governmental agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit for use other than for commercial or industrial purposes or resale. The Act of July 23, 1955, supra, also provides in part, under certain circumstances, for a mining claimant to obtain free-use of timber from other Bureau administered land in lieu of timber disposed of by the Bureau from lands covered by his mining locations. See §5511.3–8.

(c) *Nonsale disposals Act of May 14, 1898.* Section 5511.2 is issued under the authority of section 11, 30 Stat. 414, as amended; 48 U.S.C. 423. Section 5511.2 appears at 19 FR 8880, Dec. 23, 1954. (1) Section 11 of the Act of May 14, 1898 (30 Stat. 414; 48 U.S.C. 423), empowers the Secretary of the Interior to permit the use of timber found upon the public lands in Alaska by actual settlers residents, individual miners, and prospectors for minerals for firewood, fencing, buildings, mining, prospecting, and for domestic purposes as may actually be needed by such persons for such purposes. This section was amended by the Act of June 15, 1938 (52 Stat. 699), so as to permit the use of such timber by churches, hospitals, and charitable institutions for firewood, fencing, buildings, and for other domestic purposes.

Subpart 5511—Free Use Regulations

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§ 5511.1 Act of 1878.

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

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(a) *Lands on which timber may be cut.* Free-use permits to cut timber may be issued covering public lands as follows:

(1) Mineral lands, unoccupied and unreserved and not subject to entry under existing laws of the United States, except for mineral entry, in the States of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming. (Act of June 3, 1878, 20 Stat. 88; 16 U.S.C. 604 through 606);

(2) Nonmineral, unoccupied, and unreserved public lands in the States mentioned and also in the States of California, Oregon, and Washington.

(b) *Kind of timber which may be cut.* The proper protection of the timber and undergrowth necessarily varies with the nature of the topography, soil, and forest. No timber not matured may be cut, and each tree taken must be utilized for some beneficial domestic purpose. Persons taking timber for specific purposes will be required to take only such matured trees as will work up to such purpose without unreasonable waste. Stumps will be cut so as to cause the least possible waste and all trees will be utilized to as low a diameter in the tops as possible. All brush, tops, logs, and other forest debris made in felling and removing timber under this section shall be disposed of as best adapted to the protection of the remaining growth and in such manner as shall be prescribed by the authorized officer, and failure on the part of the applicant, or an agent cutting for an applicant, to comply with this requirement will render him liable for all expenses incurred by the authorized officer in putting this regulation into effect.

(c) *Area of land to be cut over.* The permits shall limit the area of cutting to embrace only so much land as is necessary to produce the quantity of timber applied for.

(d) *Use which may be made of timber.* Timber may be cut under approved permit when actually needed for firewood, fencing, building, or other agricultural, mining, manufacturing, and domestic purposes.

(e) *Exportation of timber.* Timber may not be exported from the State in which it is cut except:

(1) Timber from a specified area in Wyoming may be exported into Idaho (Act of July 1, 1898, 30 Stat. 618; 16 U.S.C. 607, 611);

(2) Timber from a specified area in Montana may be exported into Wyoming (Act of March 3, 1901, 31 Stat. 1439; 16 U.S.C. 607, 613);

(3) Under the Act of March 3, 1919 (40 Stat. 1321; 16 U.S.C. 608), citizens of Malheur County, Oregon, may cut timber in Idaho and remove such timber to Malheur County, Oregon;

(4) Under the Act of March 3, 1919 (40 Stat. 1322; 16 U.S.C. 609), citizens of Modoc County, California, may cut timber in Nevada and remove such timber to Modoc County, California;

(5) Timber from a specified area in Arizona may be exported into Utah (Act of February 27, 1922, 42 Stat. 398; 16 U.S.C. 610);

(6) Citizens of Bear Lake County, Idaho, may cut timber from public lands in Lincoln County, Wyoming, and remove such timber to Bear Lake County, Idaho, but no live standing timber may be taken without compensation (Act of August 21, 1935, 49 Stat. 665; 16 U.S.C. 611a).

(f) *Application and permit*—(1) *Information to be furnished by applicant.* (i) Applications should be filed in duplicate and should set forth the names and post-office addresses of the applicants, and any agent or agents who may be employed to procure the timber. Where a corporation is the applicant, the State in which it was incorporated should also be shown.

(ii) Blank forms for making application may be procured from the State Director for the State in which the timber to be removed is located.

(iii) Applications should show the amount of timber required by each applicant; the use to be made thereof; a description of the land from which the timber is to be cut, by subdivision, section, township, and range, if surveyed, or by natural objects sufficient to identify the same if unsurveyed; and the date it is desired to begin cutting.

(2) *Duration of permit.* All rights and privileges under a permit shall terminate at the expiration of the period of 1 year from the date of approval of the permit.

(g) *Agents*—(1) *Cutting of timber by agents.* Where one or more persons desire timber, and are not in a position to procure the same for themselves, an agent or agents may be appointed for that purpose. Such agent shall not be paid more than a fair recompense for the time, labor, and money expended in procuring the timber and manufacturing the same into lumber, and no charge shall be made for the timber itself. The said compensation must be set forth in a written contract to be entered into by the parties, and a copy thereof must be filed with the application.

(2) *Cutting of timber by agent who is a sawmill operator.* If the amount of timber applied for exceeds \$50 in stumpage value, for any continuous period of 12 months, and the timber is to be procured by an agent who is a sawmill operator, a bond equal to three times the amount of the stumpage value of the timber applied for will be required, conditioned upon the faithful performance of the requirements.

[35 FR 9790, June 13, 1970, as amended at 60 FR 50450, Sept. 29, 1995]

§ 5511.1-2 [Reserved]

