

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of July 16, 2021

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Title 43: Public Lands: Interior

PART 5000—ADMINISTRATION OF FOREST MANAGEMENT DECISIONS

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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.

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Subpart 5003—Administrative Remedies

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§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.

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§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.

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§5003.3 [Reserved]

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§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.

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§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.

Other people or circumstances will not be affected.

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Subpart 5004 [Reserved]

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