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Permission is granted to reprint information contained herein.
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for compiling this information will be appreciated.

MINING LAW STILL INTACT, BUT PROSPECTORS FACE NEW SET OF REGULATIONS BY THE U.S. FOREST SERVICE

The U.S. Forest Service has published the final version of regulations on the surface use of National Forest lands under the amended mining laws of 1872. These regulations became effective September 1, 1974.

Although the Mining Law of 1872 is still largely intact, the new regulations place some requirements in the path of prospectors and miners operating within the boundaries of the National Forests. The Mining Law of 1872 generally gives the prospector and miner the right to enter upon the public domain, and to search for, develop, and extract a wide variety of mineral resources. The Forest Service, charged with the protection and disposition of the vegetative resources and general management of wildlife and other surface resources, has become increasingly concerned with the activities of prospectors and miners. The present regulations are aimed at better control of access roads to the mine, prospect holes, open pits, mill effluent, solid waste disposal, control of erosion and landslides, and the eventual reclamation of the site following completion of the operation.

In the 49 numbered paragraphs that follow are answers to many of the questions the Forest Service anticipates will be asked by persons wanting to know about the regulations it now administers. Copies of these regulations may be obtained from the U.S. Forest Service, Portland, Oregon 97208, or from any District Ranger Station.

1. What is the purpose of the regulations?

They are intended to protect the nonmineral surface resources of National Forest System lands against unnecessary or unreasonable damages from prospecting, exploration, development, mining and processing operations carried out under the authority of the U.S. mining laws of 1872, as amended. They are intended to provide that protection without unreasonably inhibiting or restricting the activities of prospectors and miners.

2. What is the basic authority for the regulations?

The Act of June 4, 1897. It authorizes the Secretary of Agriculture to regulate occupancy and use of the National Forests for the protection and management of their surface resources. All National Forest users, including prospectors and miners, are required to observe these regulations.

3. Do the regulations exceed the limitations imposed by law on Forest Service management and administration?

No. By law, the regulations and their administration may not materially interfere with or endanger lawful mineral-related activities on mining claims. Further, citizens and those who have declared their intention to become citizens have the right under law, not mere privilege, to go upon National Forest lands open to operation of the mining laws for prospecting, locating, and developing their mineral resources. Miners and prospectors must recognize, however, that they are subject, also by law, to reasonable rules and regulations covering the National Forests.

4. Do the regulations affect the mining laws and mining regulations of the Department of the Interior?

No. Those laws and regulations relate to the search for minerals, their discovery, extraction and processing. The Forest Service regulations apply to the protection of nonmineral resources affected by mineral-related activities.

5. What activities are authorized by the 1872 mining laws, as amended?

They include prospecting, exploration, development, mining, processing, and related activities involving the locatable mineral resources on public domain lands to which those laws apply. The mining laws also authorize necessary and reasonable access and the use of certain surface resources for mineral-related activities. The regulations define these activities as "operations."

6. Does the Forest Service intend to manage the mineral resources of the National Forests?

No. The Department of the Interior manages Federally owned, locatable and leasable minerals in National Forest lands. The Forest Service is charged with the management and protection of the surface resources. All uses and users are subject to reasonable and necessary regulation for surface resource protection.

7. Does the Forest Service recognize minerals to be natural resources of the National Forest System along with outdoor recreation, range, timber, watersheds, wildlife, streams, fisheries, esthetics, and so on?

Yes.

8. Do these regulations allow the Forest Service to tell me where and how I may prospect and mine?

No. They simply ask that you operate in a responsible way, with recognition of the need to protect nonmineral resources as much as may be possible.

9. Will these regulations be fairly, consistently, and reasonably administered by the Forest Service?

Yes. The Chief of the Forest Service committed himself to this in public speeches and congressional testimony. In addition, appeal procedures are provided for in the regulations should prospectors or miners believe they are being treated unfairly.

10. Do these regulations stop location of mining claims?

No. But certain National Forest lands have been, and others may be, withdrawn from operation of the mining laws under appropriate authority.

11. Won't these regulations substantially reduce, if not completely halt, mineral exploration and development on the National Forests?

That is neither their design nor their purpose. They will substantially reduce unreasonable or unnecessary damages to surface resources.

12. Do these regulations keep me from buying or selling a mining claim?

No. A mining claim is a possessory interest recognized as property that can be bought, sold, devised, bequeathed, and so on. However, no transaction can convey more than the interests or rights that may have been established under the requirements of the mining laws.

13. Will these regulations keep me from patenting my mining claim?

No. The requirements for patenting have not been changed. They are established by law and by regulations of the Department of the Interior, Bureau of Land Management.

14. Do these regulations apply on all lands administered by the Forest Service?

No. They apply only to National Forest System lands open to operation of the U.S. mining laws of 1872, as amended, and to operations conducted under those laws. The 1872 mining laws do not affect all National Forest System lands. They cover those lands reserved from the public domain for National Forest purposes and not otherwise withdrawn from their operation. They also apply to a very small portion of lands acquired by the Federal Government for National Forest purposes. Land status can be checked in Ranger District Offices and in National Forest Supervisors' Offices. Unpatented mining claims, tunnel sites, and mill sites are subject to these regulations, along with unclaimed lands. Nearly all the National Forest lands open to the mining laws, and thus subject to these regulations, are west of the Mississippi River, and in Alaska.

15. What is the single most important feature of these regulations for the purpose of minimizing the impacts of prospecting and mining on the surface resources?

The prospector's and miner's operating plan. It provides a way for the mineral operator and the Forest Service to cooperate in developing workable procedures by which proposed operations can be done with the least impact or damage to both the surface resources and the operator.

16. What is an operating plan?

It is a document by which a mineral operator identifies himself, describes the work he intends to do, where and when he intends to do it, the nature of his proposed disturbance of surface resources, and the steps he will take to protect those resources. Operators are encouraged to contact the local District Ranger concerning any questions about operating plans or working out feasible means for protecting surface resources and reclaiming disturbed areas not needed for further operations.

17. Who has to submit an operating plan?

Anyone whose proposed operations under the 1872 mining laws could cause "significant disturbance of the surface resources." New operations should not be started until an operating plan has been approved.

The regulations provide that ongoing operations, already underway on the effective date of the regulations, may continue until an operating plan is approved as long as they are not causing unnecessary or unreasonable damages. Operators are expected to file proposed operating plans for these ongoing operations within 120 days of the effective date of these regulations if their operations are causing significant disturbance to surface resources.

18. Can I expect prompt consideration of and response to my proposed operating plan?

Yes. The Forest Service will do its best to respond within, or less than, the time prescribed by the regulations.

19. Is an approved operating plan a form of permit?

No. Prospectors and miners already have express permission, by act of Congress, to go upon those National Forest lands open to operation of the 1872 mining laws for the purposes of "prospecting, locating, and developing the mineral resources."

20. What, then, is the approved operating plan?

It is basically an agreement. The operator agrees to observe necessary and reasonable precautions, which are spelled out in the plan, to reduce damage to surface resources during his activities and to rehabilitate disturbed areas as and when feasible. The Forest Service agrees that protection of surface resources will be adequate if operations are carried out as described in the approved plan.

21. Does approval of my operating plan indicate my mining claim is valid?

No. The purpose of the regulations and the operating plan is to protect the surface resources of National Forest lands involved in and affected by mineral-related operations, whether or not the operations take place on unpatented mining claims. Claim validity is a separate matter. It is covered by the requirements of the mining laws and the pertinent regulations of the Department of the Interior, Bureau of Land Management.

22. Under what circumstances would an operating plan not be approved?

Approval would be denied if the proposed operations are by law unauthorized or specifically prohibited. Neither would approval be given

if the proposed measures for surface resource protection and for reclamation were considered to be inadequate. Should this happen, it is logical that an amended or modified operating plan would be prepared for reconsideration. Nor, of course, would an operating plan even be necessary if the proposed operations will not cause "significant disturbance to surface resources."

23. What is "significant" disturbance of surface resources?

A definition cannot be given that would apply to all lands subject to these regulations. Disturbance by a particular type of operation on flat ground covered by sagebrush, for example, might not be considered significant. But that same sort of operation in a high alpine meadow or near a stream could cause highly significant surface resource disturbance. The determination of what is significant thus depends on a case-by-case evaluation of proposed operations and the kinds of lands and other surface resources involved. In general, operations using mechanized earthmoving equipment would be expected to cause significant disturbance. Pick and shovel operations normally would not. Nor would explosives used underground, unless caving to the surface could be expected. Use of explosives on the surface would generally be considered to cause significant disturbance. Almost without exception, road and trail construction and tree clearing operations would cause significant surface disturbance.

24. Where and when do I file my operating plan?

It is filed with the District Ranger in charge of the area where you operate or propose to operate. For your own benefit, it should be filed as far in advance of the proposed operations as possible.

25. How do I know which District Ranger is responsible for the area in which I plan to operate?

His office is probably the one nearest your area. Even if it is not, the nearest Forest Service office will be able to tell you which District your operations are in.

If you know which National Forest is involved, people in the Forest Supervisor's Office can tell you which District Ranger to contact. Regional Office personnel can also help. You should be able to describe the section, township, and range your operation is in, or be able to show its location on a map.

26. Under what circumstances does an already approved operating plan need to be amended or modified?

When you intend to cause significant disturbance not covered in your approved plan and in the unusual case when circumstances unforeseen by either the Forest Service or the operator could result in needless damage to surface resources by operations thought to be environmentally acceptable when the operating plan was approved. In such instances, operators will be requested to revise their plans and operations to provide for better surface resource protection and for feasible adequate reclamation.

27. Can an approved operating plan be broad enough to allow for adjustments in exploration and development projects as required by information derived as the work progresses?

This is a desirable goal for all concerned. In some cases it will be possible, in others not. Case-by-case analyses will help identify those operations where it can be done.

28. Will I be required to give confidential information in my operating plan?

The Forest Service will require only the minimum data needed to make a factual evaluation of the impact of proposed operations on the surface resources. Usually, little or no information of a confidential nature will be needed. On those occasions when such information might be necessary, the operator should identify it as confidential and keep it separate from the operating plan. It may be that such information should only be analyzed by Forest Service mining engineers and geologists, rather than be submitted with the operating plan. Information identified by the operator as confidential and which is so submitted to the Forest Service will be filed separately from the rest of the operating plan. It will not be made available for public inspection.

29. What should I do if I think my proposed operations might disturb surface resources, but I'm not sure the disturbance will be significant enough to require an operating plan?

You should file a "notice of intention to operate" with the District Ranger. It should describe briefly what you intend to do, where and when it is to be done, and how you intend to get yourself and your equipment to the site. The District Ranger will analyze your proposal

and will, within 15 days, notify you as to whether or not an operating plan will be necessary. In this way, you can avoid advance preparation of an operating plan until you know that it is necessary to do so and have some information as to what must be included.

30. Are there mineral-related operations that do not require the filing of operating plans or notices of intention to operate?

Yes. Operating plans or notices of intention are not required for those mineral-related activities that will cause little or no surface resource disturbance. Examples of such activities include: geologic mapping; geochemical prospecting; surveying; geophysical exploration that does not require the use of explosives; gold panning; mining operations confined underground; locating, marking, and monumenting mining claims; the use of motorized vehicles only on existing roads and trails which are open to public uses; and off-road use of motor vehicles only in areas open to such use.

31. I'm a "rockhound" or mineral collector. How are my activities covered by requirements for operating plans or notices of intention to operate?

Your activities do not generally require either an operating plan or a notice of intention to operate. However, if you have any doubt about whether or not your activities will cause significant surface resource disturbance, you should file a notice of intention.

32. Do I have to observe off-road vehicle closures?

Yes. A prospector or miner who reasonably needs to use a vehicle or earthmoving equipment in an area closed to use of off-road vehicles may do so, but he must first file a notice of intent and he may, depending upon whether the use will cause significant disturbance of surface resources, be required to file and obtain approval of an operating plan.

33. Will I be required under these regulations to post a bond or put up a cash deposit of any kind?

A bond, ordinarily a surety bond, or cash deposit will frequently be required before an operating plan is approved. Of course, no bond or deposit will be required for operations for which no operating plan is needed.

34. What is the purpose of a bond or deposit?

The intention is to assure compliance with the reclamation provisions of the regulations and operating plans (see section 252.8(g) of the regulations).

35. What will be the amount of the bond or cash deposit required?

It will be determined by the estimated cost of the work needed to reasonably reclaim surface resources disturbed by operations. If the operator failed to do the work, the bond or deposit would be used by the Forest Service to do the work or have it done.

36. Can I be required to reclaim or rehabilitate disturbed lands to improve their condition or potential over and above the condition I found them in?

Not if it will result in extra costs over what would otherwise be reasonable and ordinarily required. Of course, any voluntary improvements you might wish to make would probably be welcomed.

37. Under what circumstances can I expect my bond to be released or deposit to be returned?

The authorized officer will notify you and will return the deposit or release the bond when your reclamation work has been completed in accordance with the approved operating plan and so accepted by the Forest Service. This could be done on a piecemeal basis if you do the reclamation in definite stages.

38. Who will review notices of intention to operate and plans for proposed operations, and what are the reviewer's qualifications?

Who will do the reviewing depends on the kind and scope of proposed operations, the type of land and surface resources that may be involved, and so on. Reviewers may be foresters, mining engineers, mining geologists, civil engineers, hydrologists, biologists, soil scientists, fisheries experts, metallurgists, etc. In some cases, the U.S. Bureau of Mines and the U.S. Geological Survey will be asked to help.

39. What are the qualifications of the forest officer who will be responsible for reviewing the design and standards of roads included in the operating plans?

His experience and training will have made him familiar with the type of road proposed. In many cases, he will be a graduate experienced civil engineer, especially when high standard roads are proposed for heavy haulage.

40. What action would the Forest Service take if I were to operate without an approved operating plan?

If you were causing significant surface resource disturbance, you could expect to be contacted to work up an operating plan. The Forest Service seeks your cooperation. In those rare cases where operators refuse to cooperate, the Forest Service will, as a last resort, take whatever legal action may be required.

41. What kinds of proposed operations are most likely to require the preparation of environmental statements by the Forest Service?

We expect environmental statements will not often be necessary; mostly they will be for new roads that may be needed across National Forest lands for access. Note that the Forest Service will prepare them.

42. Will appeals to Regional Foresters be reviewed by knowledgeable people, including mining engineers and geologists?

Yes. Regional Foresters are expected to base their decisions on the advice of people who know the activities involved in appeals.

43. Do the regulations apply to building houses or cabins on mining claims?

No. The right to build and occupy residences on mining claims is governed by law. Residences ordinarily can be justified only on valid mining claims and under circumstances where they are necessary and directly related to mining purposes. However, the regulations do call for the removal of structures under certain circumstances.

44. Will these regulations be used to identify mining claims for validity determinations?

No. However, the Forest Service will, as always, seek to end unauthorized uses of mining claims and may resort to validity determinations.

Operations in National Forest Wilderness

45. Do these regulations apply to National Forest Wildernesses?

Yes. However, Congress has given special status to Wildernesses, and the standards will be somewhat stiffer than on other lands.

46. How do I identify National Forest Wilderness areas?

Maps are available at Forest Supervisors' Offices, Ranger Stations, and Regional Offices of the Forest Service. Also, Wilderness boundaries are marked on trails crossing them.

47. May I prospect in a wilderness under the 1872 mining laws and under these regulations?

Yes, as long as such activities are carried out as prescribed by the Wilderness Act and in conformance with the applicable regulations.

48. What prospecting methods may I use in a wilderness?

Most ordinary prospecting methods; however, special limitations and restrictions have been placed on the use of mechanized equipment.

49. May I locate mining claims in a wilderness?

Yes, until midnight, December 31, 1983.

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GEOHERMAL ENERGY BILL APPROVED

H.R. 14920 - Geothermal Energy Research, Development and Demonstration Act has been approved. The bill will further research, development, and demonstrations in geothermal energy technologies, establish a geothermal energy coordination and management project, amend the National Science Foundation Act of 1950 to provide for the funding of activities relating to geothermal energy, amend the National Aeronautics and Space Act of 1958 to provide for the carrying out of research and development in geothermal energy technology, and carry out a program of demonstrations in technologies for the utilization of geothermal resources.

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NORTHWEST MINING ASSOCIATION TO MEET

The 80th annual convention of the Northwest Mining Association will be held this year at the Davenport Hotel in Spokane, Washington, Friday and Saturday, December 6 and 7. It is expected that attendance may reach 1,500 persons. Non-members are welcome. The program will include sessions on: Gold and Silver; Geology and Exploration; New Developments in the Region; Mineral Processing; Mining Technology; and Industrial Minerals. Related activities include dedication of the U.S. Bureau of Mines' new center and tours of the facility, symposium on geology in land planning, and a student-oriented panel discussion on careers in mineral sciences and technology.

For further information address the Northwest Mining Association, West 522 First Avenue, Spokane, Wash. 99204. Phone 509-624-4822.

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COASTAL LANE COUNTY GEOLOGY PUBLISHED

"Environmental Geology of Coastal Lane County, Oregon," designated as Bulletin 85, is the Department's latest in a series of reports on the environmental geology of areas in the State where development is on the increase and where geologic hazards pose problems in construction and possible threats to human safety. Authors are H. G. Schlicker and R. J. Deacon, and a section on ground water is by R. C. Newcomb and R. L. Jackson. A soil interpretive guide and soils map by Ted Dietz are in the Appendix.

Bulletin 85 describes the geography, geologic units, and structure of the area and relates these inherent characteristics to the potential hazards, such as landslides, excessive erosion, flooding, and unstable soils. Economic mineral resources and ground-water conditions are also reviewed. The report is designed for planners, developers, engineers, geologists, and others concerned with the nature and use of the land.

The coastal Lane County report has 116 pages, many photographs, charts, a multicolor geologic map, and a hazards map. It is for sale at the Department's offices in Portland, Baker, and Grants Pass for \$7.50.

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WORLD'S DEEPEST HOLE

Lone Star Producing Co. bottomed its "Bertha Rogers 1" well in Washita County, Oklahoma at a depth of 31,441 feet this past summer. Molten sulfur was encountered at the bottom of the hole. The hole was plugged back to 13,000 feet and was completed as a gas well. Reported cost was \$5 million.

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AVAILABLE PUBLICATIONS

(Please include remittance with order; postage free. All sales are final - no returns. Upon request, a complete list of Department publications, including out-of-print, will be mailed)

BULLETINS

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| 8. | Feasibility of steel plant in lower Columbia River area, rev. 1940: Miller | \$0.40 |
| 26. | Soil: Its origin, destruction, preservation, 1944: Twenhofel | 0.45 |
| 33. | Bibliography (1st suppl.) geology and mineral resources of Oregon, 1947: Allen | 1.00 |
| 35. | Geology of Dallas and Valseet quadrangles, Oregon, rev. 1963: Baldwin | 3.00 |
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| 46. | Ferruginous bauxite deposits, Salem Hills, 1956: Corcoran and Libbey | 1.25 |
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| 82. | Geol. hazards of Bull Run Watershed, Mult. Clackamas Cos., 1974: Beaulieu | 5.00 |
| 83. | Eocene stratigraphy of southwestern Oregon, 1974: Baldwin | in press |
| 84. | Environmental geology of western Linn Co., 1974: Beaulieu and others | 8.00 |
| 85. | Environmental geology of coastal Lane Co., 1974: Schlicker and others | in press |

GEOLOGIC MAPS

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| Geologic map of Albany quadrangle, Oregon, 1953: Allison (also in Bulletin 37) | 0.50 |
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| GMS-2: Geologic map, Mitchell Butte quad., Oregon: 1962, Corcoran and others | 1.50 |
| GMS-3: Preliminary geologic map, Durkee quadrangle, Oregon, 1967: Prostka | 1.50 |
| GMS-4: Gravity maps of Oregon, onshore & offshore, 1967: Berg and others
[sold only in set] flat \$2.00; folded in envelope | 2.25 |
| GMS-5: Geology of the Powers quadrangle, 1971: Baldwin and Hess | 1.50 |
| GMS-6: Prelim. report, geology of part of Snake River Canyon, 1974: Vallier | in prep. |

[Continued on back cover]

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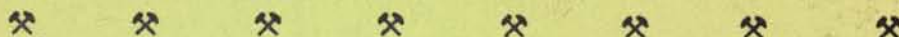
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