

MINING IN NATIONAL FORESTS Protection of Surface Resources ¹

Mineral Resources of the National Forest System

The 192-million-acre National Forest System is an important part of the Nation's resource base. As directed by the Organic Administration Act of 1897 and the Multiple Use-Sustained Yield Act of 1960, the National Forests are managed by the United States Department of Agriculture's Forest Service for continuous production of their renewable resources – timber, clean water, wildlife habitat, forage for livestock and outdoor recreation.

Although not renewable, minerals are also important resources of the National Forests. In fact, they are vital to the Nation's welfare. By accident of category and geology, the National Forests contain much of the country's remaining stores of mineral – prime examples being the National Forests of the Rocky Mountains, the Basin and Range Province, the Cascade-Sierra Nevada Ranges, the Alaska Coast range, and the States of Missouri, Minnesota, and Wisconsin. Less known by apparently good mineral potential exists in the southern and eastern National Forests.

Geologically, National Forest System lands contain some of the most favorable host rocks for mineral deposits. Approximately 6.5 million acres are known to be underlain by coal. Approximately 45 million acres or one-quarter of National Forest System lands have potential for oil and gas, while about 300,000 acres within the Pacific Coast and Great Basin States have potential for geothermal resource development.

Within the past few years, the energy shortage in this country has reminded us that the Nation's mineral resources are limited. As with oil supplies, there will undoubtedly be tightening of world supplies of minerals. Such a trend is leading to considerable expansion of domestic mineral prospecting, exploration and development. Much of this increased activity is on National Forest System lands where open to mineral exploration and development.

Forest Service Role in Minerals Management

In the Mining and Minerals Policy Act of 1970, Congress declared that it is the continuing policy of the Federal Government, in the national interest, to foster and encourage private enterprise in (among other goals) the development of domestic mineral resources and the reclamation of mined land. This Federal policy obviously applies to National Forest System lands.

The Forest Service recognizes the importance of National Forest System mineral resources to the well-being of the Nation, and encourages bona-fide mineral exploration and development. But, it also recognizes its responsibility to protect the surface resources of the lands under its care. Thus, the Forest Service is faced with a double task: to make minerals from National Forest lands available to the national economy and, at the same time, to minimize the adverse impacts of mining activities on other resources.

²A moratorium on patent applications was enacted by Congress in 1994 and is still in effect.

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Land management planning, as mandated by the National Forest Management Act of 1976, is a principal tool for assuring that mineral resources are given proper consideration. Before plans are developed, specialists evaluate all resource activities including existing and potential mineral development. Planners and decision makers then formulate plans to minimize potential resource conflicts and maximize the various uses and values of National Forest System lands. Since minerals are usually hidden, relatively rare, and governed by certain preferential laws, the land management planning procedures provide for the availability of minerals and development of mineral operations where possible.

Minerals management of National Forest System lands requires interagency coordination and co-operation. Although the Forest Service is responsible for the management of surface resources of National Forest System lands, the Bureau of Land Management (BLM) in the Department of the Interior is primarily responsible for management of government-owned minerals. Since it is impossible to separate mineral operations from surface management, the agencies have developed cooperative procedures to accommodate their respective responsibilities.

Authority for Mineral Activities

Mining and related activities on National Forest System lands are governed by specific laws that identify procedures and conditions under which prospecting, exploration, and development of minerals can be carried out.

The General Mining Law of 1872. The Mining Law of 1872, as amended, governs the prospecting for and the appropriation of metallic and most nonmetallic minerals on the 140 million acres of National Forest set up by proclamation from the public domain. Under the 1872 law, and its principal amendment of July 23, 1955, qualified prospectors may search for mineral deposits on these "public domain" lands. A prospector, upon discovering a valuable mineral deposit, may locate a mining claim. Recording that claim in the local courthouse and with the appropriate BLM State Office affords protection from subsequent locators. A mining claimant is entitled to reasonable access to the claim for further prospecting, mining or necessary related activities, subject to other laws and applicable regulations.

After meeting rather rigorous specific requirements of law, including a confirmation of the discovery of a valuable mineral deposit, a claimant may obtain legal title (patent)² to the surface and mineral rights on the claim. A patent application must be filed with the appropriate State Office of BLM. On National Forest lands, the Forest Service will conduct a mineral examination to determine if a valuable deposit has been found and, accordingly, recommend whether or not a patent should be granted. The Department of the Interior will consider the Forest Service's mineral report, plus information provided by the claimant, and determine whether a patent should be issued. If a patent is granted, legal title is conveyed, and thereafter, the Forest Service has no authority over the lands conveyed.

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