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NEWS RELEASE

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November 6, 2008

FOR IMMEDIATE RELEASE

General Prohibition Regulation Clarifies Use of Criminal Citation

WASHINGTON, DC -- The USDA Forest Service today released a definition of what constitutes residential occupancy and a revised definition of and operating for mineral operators who wish to conduct mineral activities on National Forest System (NFS) lands.

The update, found in a final rule for Criminal Citation to Mineral Operators for Unauthorized Occupancy and Use of National Forest System Lands and Facilities in today's Federal Register, clarifies agency requirements and describes when it's permissible for Forest Service law enforcement to issue a criminal citation.

The definition of residential occupancy provides a clear intent of what constitutes residency through construction, reconstruction, improvement, maintenance, use or presence of a temporary or permanent structure or object. Authorization generally may be applied for and granted through an operating plan.

In addition, the agency clarified specific mineral operations and applicable code of federal regulation subparts now included under the definition of an operating plan for which a possible criminal citation can be issued if circumstances warrant. A complete list is at the end of this article.

The revised definition gives Forest Service Law Enforcement clearer authority to issue criminal citations following a spate of court cases in which applicability of the regulation as written was unclear. The clarification will only affect those operators that possess or will possess, occupy, or use NFS lands or facilities without an approved operating plan when such authorization is required.

A 60-day comment period was provided to the public. Response to all substantive comments is included in the final rule. The final rule is effective December 8, 2008.

REVISED DEFINITION OF STANDARD OPERATING PLAN FOR MINERAL ACTIVITIES ON NATIONAL FORESTS All Operating Plans Will Now Include The Following	
A plan of operations as provided for in 36 CFR part 228, subparts A and *D, and 36 CFR part *292, subparts C and G	A surface use plan of operations as provided for in 36 CFR part 228, subpart E
A supplemental plan of operations as provided for in 36 CFR part 228, subpart *A, and 36 CFR part *292, subpart G	*A supplemental surface use plan of operations as provided for in 36 CFR part 228, subpart E
An operating plan as provided for in 36 CFR part 228, subpart *C, and 36 CFR part *292, subpart G	*A permit as provided for in 36 CFR 251.15
*An amended operating plan and a reclamation plan as provided for in 36 CFR part 292, subpart G	*An operating plan and a letter of authorization as provided for in 36 CFR part 292, subpart D

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