



NEWS RELEASE

Lolo National Forest

United States
Department of Agriculture

Forest Service
Lolo National Forest
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www.fs.fed.us/r1/lolo

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Comment Period Still Open on Proposed Mining Rule Changes

Missoula, MT. – The public has until November 23, 2007 to comment on proposed changes to mining rules related to occupancy and the conduct of mineral activities on USDA Forest Service lands. Specifically addressed in the proposed rule is what constitutes residential mining occupancy as well as a revised definition of operating.

The proposed rule -- Criminal Citation to Mineral Operators for Unauthorized Occupancy and Use of National Forest System Lands and Facilities -- was published in the Federal Register October 23, 2007. The new rule would clarify agency requirements related to mining activities and describe when it's permissible for Forest Service law enforcement to issue a criminal citation.

The new 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 has clarified in the new rule proposal specific mineral operations and applicable code of federal regulation subparts. Proposed changes now include -- under the definition of an operating plan -- actions for which a possible criminal citation can be issued.

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

Public comment on the proposed rule will be used to draft the final rule. Written comment can be sent to: USDA, Attn: Director, Minerals and Geology Management Staff, Mail Stop 1126, Washington D.C. 20250-1126.

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