



News Release

United States Department of Agriculture
Forest Service

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FOR IMMEDIATE RELEASE

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General Prohibition Regulation for Mining Clarifies Use of Criminal Citation

The USDA Forest Service 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 in May, 2007

The update, found in a proposed rule for Criminal Citation to Mineral Operators for Unauthorized Occupancy and Use of National Forest System Lands and Facilities in the Federal Register, clarified agency requirements and described when it is permissible for Forest Service law enforcement to issue a criminal citation.

The definition of residential occupancy provided 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 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 gave Forest Service Law Enforcement more authority to issue criminal citations following several 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 has been reinitiated following publication of the proposed rule in the Federal Register on May 10, and the public comments received will be used to announce a final rule. Comments on the proposed rule must be submitted in writing by November 23, 2007. Send comments to: USDA-FS, Attn: Director, Minerals and Geology Management (MGM) Staff, (2810), at Mail Stop 1126, Washington, DC 20250-1126; by electronic mail to 36cfr228a@fs.fed.us; or by fax to (703) 605-1575; or by the electronic process available at Federal e-Rulemaking portal at <http://www.regulations.gov>.

Additional information is available at the Forest Service Minerals & Geology Management website, http://www.fs.fed.us/geology/mgm_locatable.html. For further information contact:

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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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