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GAO

Report to the Chairman
Committee on Agriculture
House of Representatives

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MINERAL RESOURCES

Forest Service Has a Limited but Influential Role

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Resources, Community, and
Economic Development Division

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August 18, 1986

The Honorable E (Kika) de la Garza
Chairman, Committee on Agriculture
House of Representatives

Dear Mr Chairman·

This report responds to your request of February 5, 1985, that we identify the Forest Service's role in the management of federal minerals and determine if an effective management relationship exists between the Forest Service and the Bureau of Land Management, which has primary responsibility for federal minerals management. We found that the Forest Service management decisions, in the cases we reviewed, were based on careful consideration of both mineral and surface protection concerns. Furthermore, we found that the Forest Service and the Bureau of Land Management have an effective working relationship.

Copies of this report are being sent to the Director, Office of Management and Budget; the Secretary of Agriculture; the Secretary of the Interior; the Senate Committee on Energy and Natural Resources; the House Committee on Interior and Insular Affairs; and other interested parties.

Sincerely yours,

J. Dexter Peach

J Dexter Peach
Director

Executive Summary

Purpose

Over $1 billion worth of coal, oil, and natural gas were produced from the Department of Agriculture's Forest Service lands in fiscal year 1984. Currently, management responsibilities for these lands are divided between the Forest Service and the Department of the Interior's Bureau of Land Management (BLM). To eliminate the division in management responsibilities, the BLM Director and the Forest Service Chief, in January 1985, proposed to exchange about 30-35 million acres of land (revised to 24 million acres in legislation proposed in February 1986) and to give the Forest Service full minerals management authority for its lands. To assist in considering this proposal, the Chairman, House Agriculture Committee, asked GAO, among other things,

- to describe the Forest Service's role in federal minerals management with an accompanying perspective from industry and environmental officials on how it is meeting its role and
- if BLM and the Forest Service have an effective relationship regarding minerals management.

Background

The federal government owns about 730 million acres of land. About 340 million of these acres are managed by BLM. The Forest Service manages about 192 million acres containing an estimated one-fourth of the nation's mineral resources BLM and Forest Service lands are often overlapping and intermixed within a given area In many communities both agencies have staffs that perform the same kinds of duties, resulting in management inefficiencies and duplication of efforts.

Generally, the Department of the Interior is responsible for managing federally owned minerals, including those underlying Forest Service lands, while the Forest Service manages the surface resources, such as timber, for lands within its jurisdiction. The purpose of the proposed exchange is to improve efficiency and public service by exchanging overlapping and intermixed lands and to consolidate minerals management responsibilities within each agency

Results in Brief

Generally, the Forest Service's role in federal minerals management is to protect surface resources while mineral exploration and development takes place on its lands. (See ch. 2.) Most environmental groups GAO talked to believe that the Forest Service's actions in carrying out its role are reasonable. However, the Forest Service has been criticized by one environmental group for not being sensitive to environmental concerns and by some mineral industry groups for poorly managing mineral

development. GAO found in the cases it reviewed that the Forest Service's minerals management decisions were based on professional analysis that balanced the competing demands of surface protection with mineral development. Moreover, GAO's discussions with BLM and Forest Service officials indicate that the current minerals management relationship between BLM and the Forest Service is generally an effective one. (See ch 3.)

GAO Analysis

Minerals Management Role

The Secretary of the Interior generally retains the final decision-making authority for administering the mining and leasing laws on all federally owned land but has delegated to the BLM Director most of these responsibilities, such as processing leases, supervising mining and leasing operations, and monitoring exploration and development activities. Under the proposed legislation, these responsibilities would be given to the Forest Service for all lands under its jurisdiction.

The Forest Service is currently responsible for ensuring that surface resources are protected during mineral development. In general, to carry out this role, the Forest Service identifies potential impacts on surface resources and develops protective measures, such as reclamation requirements, to be employed during mineral development. In cases where surface resources are particularly vulnerable to damage, the Forest Service can deny, or recommend that BLM deny, some types of mineral development. The Forest Service also periodically conducts inspections to ensure compliance with these protective measures and usually refers instances of noncompliance to BLM for action. The extent to which the Forest Service exercises this management role depends on the type of mineral, the category of federal land, and the laws governing development.

Through discussions with representatives of industry and environmental groups, GAO found that opinions on how the Forest Service performs its minerals management role differ depending on the interest group. For example, representatives of a major mining association told GAO they believe that the Forest Service is as capable of managing federal mineral resources as BLM. Conversely, representatives of major oil and gas associations and companies told GAO that the Forest Service is

not concerned with minerals management because (1) the Forest Service's enabling legislation does not mention minerals as a component of its charter to manage forest lands and (2) the Forest Service has always been responsible for timber and surface resource management, not minerals. Industry representatives also complained that Forest Service supervisors have too much discretion in managing individual forests and applying surface protection requirements to mineral development proposals. They contend that a forest supervisor can essentially prevent mineral development on Forest Service lands.

One environmental group told GAO that the Forest Service could be more sensitive to environmental concerns. For example, the Forest Service approved test drilling for coal mines at some sites but prevented road construction to the sites While the Forest Service's actions restricted access to the area, the group believes that any coal mining is undesirable because of potential damage to streambed, watershed, and wildlife habitat. Other environmentalists said that they believed the agency's actions to protect the environment were reasonable and appropriate.

Industry representatives provided GAO with cases they believe show that the Forest Service delayed, precluded, or arbitrarily interfered with mineral development. In reviewing these examples, GAO talked with the industry and environmental group representatives involved in each case, as well as the appropriate Forest Service and BLM officials. In all cases, GAO found that the Forest Service decisions were based on professional analyses, such as environmental impact statements or mineral data analysis (See ch 3)

Minerals Management Relationship

BLM and Forest Service officials at all levels told GAO that although the two agencies do not always agree on all minerals-related decisions, they work together effectively to manage minerals.

Recommendations

GAO is not making any recommendations.

Agency Comments

The Departments of Agriculture and the Interior had no disagreements with GAO's report, although each offered technical clarifications. Changes have been made to the text where appropriate. (See apps. I and II.)

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Figures

Abbreviations

BLM	Bureau of Land Management
GAO	General Accounting Office
NEPA	National Environmental Policy Act of 1970
RCED	Resources, Community, and Economic Development Division

Introduction

The federal government owns about 730 million acres of land accounting for almost one-third of the nation's total land area Almost one-half of these lands, approximately 340 million acres, are managed by the Department of the Interior's Bureau of Land Management (BLM) which, in addition to its other resource management responsibilities, is primarily responsible for managing mineral resources on all federal lands. The Department of Agriculture's Forest Service manages approximately 192 million acres of land containing an estimated one-fourth of the nation's domestic energy resources, as well as non-energy mineral resources. Several other federal agencies manage the remaining federal acreage. The Forest Service's role in minerals management is generally to ensure that exploration and development on its lands takes place without damaging surface resources, balancing the competing demands of surface resource protection and mineral development

In January 1985, the Secretaries of the Interior and Agriculture proposed to exchange 30 to 35 million acres of land and to transfer mineral management authority for lands managed by the Forest Service, now held by BLM, to the Forest Service The purpose of the exchange is to resolve overlapping and intermixed BLM and Forest Service lands and to consolidate divided management responsibilities. On February 14, 1986, the two agencies transmitted their legislative proposal to the Congress. The proposal calls for the transfer of management authority for approximately 10 million acres of national forest system lands to the Secretary of the Interior for administration by BLM and the transfer of roughly 15 million acres of public land to the Secretary of Agriculture for administration by the Forest Service.

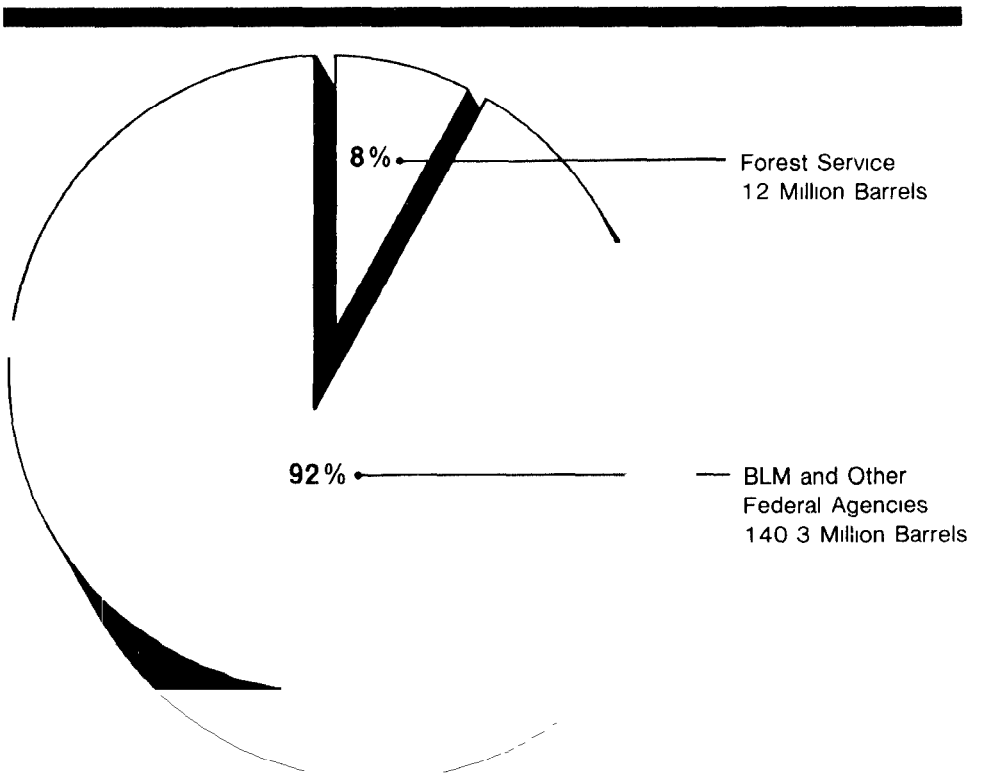
Mineral Activity on Forest Service Lands

About 163 million of the 192 million acres of national forest system lands are open to mineral exploration and development. The mineral potential of the national forest system is illustrated by the fact that coal, oil, and natural gas produced from Forest Service lands in fiscal year 1984 were valued at just over $1 billion. Of the 192 million acres in the forest system, about 7 million acres are estimated to contain coal, 45 million acres have oil and gas potential, and 600,000 acres have oil shale and/or phosphate potential. In addition, hardrock minerals such as gold, silver, and copper are found in significant amounts in national forests.

Figures 1.1 and 1.2 illustrate the volume of minerals produced from lands managed by the Forest Service compared to those managed by BLM and other federal agencies. Lands managed by the Forest Service yielded an estimated 12 million barrels of oil and 15.1 million short-tons of coal

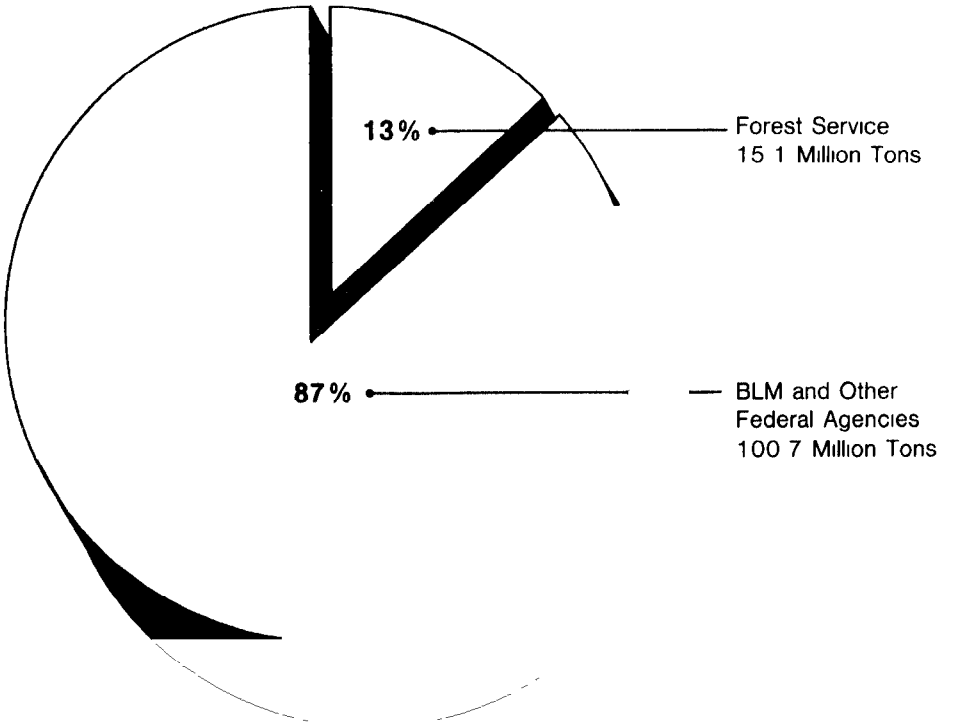
in fiscal year 1984, accounting for 8 percent and 13 percent, respectively, of all federal production. This mineral production came from 691 oil and gas leases and 7 coal leases.

Figure 1 1: Federal Onshore Oil Production (Fiscal Year 1984)



U S Department of the Interior, Minerals Management Service, Mineral Revenues FY 1984, Report of the Forest Service, FY 1984

Figure 1.2: Federal Coal Production
(Fiscal Year 1984)



U S Department of the Interior, Minerals Management Service, Mineral Revenues FY 1984, Report of the Forest Service, FY 1984

For fiscal year 1984, revenues from mineral development on Forest Service lands totaled about $136.4 million, accounting for about 12 percent of all federal onshore mineral revenues and about 11.5 percent of receipts for all Forest Service activities, which totaled approximately $1.1 billion and $1.2 billion, respectively.

Proposed Exchange of Lands and Minerals Management Authority Between BLM and the Forest Service

The Forest Service and BLM proposal to exchange lands and minerals management responsibilities throughout their areas of jurisdiction is designed to (1) enhance public service, (2) improve the efficiency of natural resources management, and (3) reduce BLM and Forest Service costs of managing lands and minerals. Legislation would be needed to implement the proposal because existing law does not allow such an extensive exchange of lands or minerals management authority between the two agencies.

According to BLM and the Forest Service, the proposed exchange would resolve overlapping and intermixed BLM and Forest Service jurisdictions that have led to management inefficiencies by transferring 24 million acres of land between the two agencies. The proposed exchange would also transfer full minerals management authority for Forest Service lands in the contiguous 48 states and Alaska from BLM to the Forest Service. The Forest Service would then exercise minerals management authority—issue leases, supervise mining and leasing operations, and monitor exploration and development activities to ensure that surface resources are not damaged—for all federal minerals underlying lands within its jurisdiction.

According to a legislative environmental impact statement prepared by BLM and the Forest Service, agency work loads would change, and some BLM minerals specialists would be transferred to the Forest Service to meet work load needs. The two agencies would share services to ensure that (1) technical expertise is used efficiently and effectively, (2) minerals policy remains consistent, and (3) service to the public is not disrupted. If the proposed exchange is adopted, about 175 to 200 BLM minerals specialists, technicians, and support workers would be offered transfers to the Forest Service to carry out minerals management functions A total of 350 jobs would be eliminated, and, although there would be initial start-up costs, about $13 million to $15 million would be saved annually after initial implementation.

Objectives, Scope, and Methodology

To assist in the review of this proposal, the Chairman of the House Committee on Agriculture requested, on February 5, 1985, that we review the Forest Service's role in federal minerals management and determine if an effective relationship exists between the Forest Service and BLM.

Our specific review objectives were to

- describe the legislative authority for the Forest Service role in minerals management;
- describe the policies and procedures that guide the Forest Service's minerals management activities;
- report on the magnitude of mineral activities within the national forest system;
- discuss the Forest Service's minerals management activities, with accompanying perspectives from industry, environmental, and BLM officials, using specific examples; and

- determine if an effective minerals management relationship exists between BLM and the Forest Service.

To accomplish our objectives, we interviewed officials of mining, and oil and gas industry associations and companies; officials, of the Sierra Club and other environmental groups; the Florida Department of Natural Resources; BLM headquarters officials, including the Director; BLM officials in five state offices and five district offices; Forest Service headquarters officials, including the Associate Deputy Chief, and Forest Service officials in five regional offices, nine forest offices, and two ranger district offices. (See app. III for a detailed listing of individuals and organizations contacted.) We also reviewed Forest Service documents, including planning documents and pertinent legislative authorities, related to its minerals management authorities.

To determine what the Forest Service's role was in the management of federal minerals, we visited selected Forest Service regions and forests that had a variety of ongoing mineral development activities and reviewed these mining activities in each forest. With the assistance of Forest Service officials, we selected forests considered particularly controversial or representative of how the Forest Service manages minerals. With the assistance of Forest Service and industry representatives, we identified specific mineral management cases for review. We were also asked by the requester's staff to review one case dealing with hardrock mineral patents. Generally, there was a high level of mineral activity within these regions and forests. Although our work is based on visits to five of nine Forest Service regions, it is not projectable nationwide or necessarily representative of the Forest Service's minerals activities in the regions that we did not visit. Furthermore, we did not, as part of this review, assess the Forest Service's ability to handle the additional minerals management responsibilities that it would get if the proposed interchange legislation becomes law.

We conducted our review between February 1985 and April 1986 in accordance with generally accepted government auditing standards.

The Forest Service's Minerals Management Responsibilities

Laws governing the development and sale of federally owned minerals include (1) the Mining Law of 1872, (2) the Mineral Lands Leasing Act of 1920, and (3) the Materials Act of 1947.[1] The Secretary of the Interior retains final decision-making authority for administering the mining and leasing laws on all federally owned land but has delegated most of these responsibilities, such as processing leases, permits, and licenses, to the BLM Director. The Director has delegated some responsibilities, through interagency agreements, to surface management agencies, particularly the Forest Service.[2]

The Forest Service's minerals management responsibility is primarily to protect surface resources, such as timber, recreation facilities, and wildlife from mining-related damage. In general, to carry out this role, the Forest Service identifies potential impacts on surface resources, develops protective measures, such as reclamation requirements, to be employed during mineral development, and periodically conducts inspections to ensure compliance with these protective measures The extent to which the Forest Service exercises this management role depends on the type of mineral, the category of federal land, and the laws governing development. (See table 2 1, p 17)

For purposes of exploration and development of federally owned minerals, federal lands are divided into three categories: public domain, acquired, and withdrawn. Public domain is land that has never left federal ownership or was obtained in exchange for lands or timber in the public domain. Generally, minerals on public domain land can be obtained through the establishment of mining claims, leases, or sales Acquired lands are those that the federal government has purchased or obtained by exchange, condemnation, or donation. Minerals on acquired lands are explored for and developed under the terms of leases and sales. Withdrawn lands are areas of public domain or acquired lands that are restricted to specific uses. Mineral exploration and development on withdrawn lands, such as wilderness areas, Indian reservations, military reservations, and scientific testing areas, is generally restricted to prevent disruption of the mandated or regulated land use Interior manages about 491.2 million of the total 672.4 million public domain acres. The Forest Service manages about one-half of the acquired lands, approximately 28.5 million acres of the total 59 6 million acres Withdrawn lands are managed by a variety of federal agencies

[1]See app IV for a detailed discussion of the Forest Service's minerals management and surface protection laws and authorities

[2]See app V for a listing of interagency agreements between Interior and the Forest Service

Forest Service Responsibilities Under the Mining Law of 1872

The Mining Law of 1872 (30 U.S C. 22, 29, 37), allows U.S citizens to establish claims to valuable mineral deposits commonly referred to as "hardrock" minerals, such as gold, copper, silver, lead, and iron, that are located on public domain lands. Claim holders may patent the claim—obtain ownership—and purchase the land from the federal government for $2 50 to $5 an acre. Whether patented or not, a mining claim is a fully recognized, privately held interest. Under an interagency agreement with the Department of the Interior, the Forest Service's responsibilities include (1) conducting a mineral examination of mining claims and (2) recommending to BLM whether or not a patent should be granted. BLM retains the final authority to grant a patent and will consider the Forest Service report, plus information provided by the claim holder, in determining whether to issue a patent. If a patent is granted, legal title is conveyed to the claim holder, and thereafter the Forest Service has no authority over the lands. The Forest Service is responsible for managing the surface of unpatented mining claims, including approving operating plans and monitoring surface disturbances to assure that potential damages are mitigated. On Forest Service lands, operators must file a plan of operations for any operation that could result in significant surface disturbance. The Forest Service must approve the plan before mining begins.

Forest Service Responsibilities Under the Mineral Leasing Laws

Statutory responsibility for the administration of the mineral leasing acts rests with Interior Specifically, the Mineral Lands Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181), the Mineral Leasing Act for Acquired Lands of 1947 (61 Stat 913; 30 U S.C 351, 352), and the Federal Coal Leasing Amendments Act of 1975 (90 Stat 1083; 30 U.S C. 201(a), 201) give the Secretary of the Interior discretionary authority to issue exploration licenses and leases for minerals such as oil, gas, and coal

The Forest Service's role in leasing federal minerals is to ensure the protection of surface resources on Forest Service lands by conducting environmental analyses of leasing proposals and developing procedures and requirements for mineral development on Forest Service lands According to a longstanding interagency agreement with BLM, the Forest Service reviews prospecting permits, leases, and coal licenses on national forest lands to ensure that they conform with federal laws, regulations, and forest plans pertaining to the management of national forest lands.

The Federal Coal Leasing Amendments Act of 1976 gives the Forest Service full consent authority That is, the Forest Service may deny mineral

development or specify conditions under which development may take place for coal leasing on all national forest lands. Similarly, under the Mineral Leasing Act for Acquired Lands of 1947, mineral leases for acquired lands managed by the Forest Service may only be issued with the consent of the Secretary of Agriculture, who has delegated this authority to the Chief of the Forest Service. The leases are subject to whatever surface protection stipulations the Forest Service specifies

Before starting operations on national forest lands under a prospecting permit, lease, or coal license, the operator must have an operating plan approved by BLM or in the case of coal mining, by Interior's Office of Surface Mining Reclamation and Enforcement or the approved stated regulatory authority. The operating plan is reviewed for conformance with the forest plan, and the Forest Service makes an environmental analysis, sometimes with Interior's assistance, to ensure that adverse impacts are prevented or controlled and that disturbed lands will be reclaimed promptly. During mining operations, the Forest Service and BLM conduct periodic inspections to ensure compliance with the approved plan and to identify unanticipated adverse impacts that need to be addressed in operating plan revisions. At a minimum, BLM and the Forest Service must conduct an annual and/or a final compliance inspection

Forest Service Responsibilities Under the Materials Act of 1947

The Materials Act of 1947 (30 U.S.C 601 et seq.) gives the Secretary of Agriculture the authority to dispose of minerals known as "common varieties" on public domain lands These minerals, such as sand, gravel, and stone, are disposed of through sales or free use permits—permits to remove minerals at no charge. The authority to dispose of these minerals on acquired lands stems from the Act of March 4, 1917 (16 U.S.C. 520).[3]

The Forest Service has the authority to dispose of "common variety" minerals from lands under its jurisdiction and to specify the terms and conditions of operations. This is the only type of mineral solely under the control of the Forest Service. A Forest Service permit is required prior to any exploration activity for these minerals. If a suitable deposit is located, the Forest Service weighs the relative values of the surface and mineral resources and determines if the site should be developed The Forest Service sets the terms and conditions of operation, appraises

[3]See app IV for a more detailed explanation of the Forest Service's authority to dispose of common variety minerals on acquired lands

the value of the resource, and enters into sale contracts or free use agreements. The Forest Service disposes of most minerals by free use permits to federal, state, and local units of government for use in constructing and maintaining roads. The proposed interchange would not affect the management of "common variety" minerals.

Table 2.1: Extent of the Forest Service's Minerals Responsibility by Mineral Type and Land Category

	Land Category[a]	
Mineral type	**Public domain**	**Acquired lands**
Leasable minerals Coal	Prescribe surface protection requirements for coal exploration, licenses, or leases, or refuse consent to explore and lease	Prescribe surface protection requirements for coal exploration licenses, or leases, or refuse consent to explore and lease
Geothermal steam	Prescribe surface protection requirements for leasing or refuse consent to lease	Prescribe surface protection requirements for leasing or refuse consent to lease
Oil, gas, and other leasable minerals	Recommend to BLM surface protection requirements for permits or leases	Prescribe surface protection requirements for BLM prospecting permits or leases, or refuse consent to lease
Hardrock minerals	Manage surface disturbance and recommend to BLM whether mining claims should be patented or recommend action against invalid claims	Prescribe surface protection requirements for mining or refuse consent to mine
Salable minerals[b]	Full authority to sell or issue free use permits	Full authority to sell or issue free use permits

[a]Mineral exploration and development on withdrawn federal land is generally restricted to prevent disruption of the mandated or regulated land use

[b]Salable minerals include sand, gravel, and stone

Proposed Changes to Mining and Leasing Laws

The proposed exchange act would amend the mining and mineral leasing acts to give the Secretary of Agriculture, with respect to national forest system lands and federal minerals within the Secretary's area of jurisdiction, the same authorities that the Secretary of the Interior has for public lands. Other legislative authorities would also be amended to include minerals as one of the multiple uses on national forest system lands, including newly established national forest lands, and to include specific reference to both renewable resources, such as timber, and nonrenewable or mineral resources.

Under the proposed interchange, the Forest Service would assume full responsibility for 210 coal leases, 38,000 oil and gas leases, and 887 leases for other leasable minerals. In addition, the Forest Service would have full responsibility (except for issuing patents) for about 681,000 mining claims.

The Forest Service's Role in Balancing Competing Resource Demands and Its Working Relationship With BLM

The Forest Service has been criticized by some mineral industry representatives for not properly managing mineral development. Although one environmental group believed that the Forest Service was not being sensitive to environmental concerns, most environmental groups we talked to believe that the Forest Service's actions in carrying out its mineral management role are reasonable. We found that the Forest Service's decisions on mineral management attempted to balance the requirement to protect the surface resources with the need for mineral development in the cases we reviewed. Furthermore, according to BLM and Forest Service officials, they have an effective working relationship regarding the management of federal minerals, even though the agencies occasionally disagree in specific cases

Interest Groups Differ in Their View of How Well the Forest Service Performs Its Minerals Role

Through discussions with representatives of industry and environmental groups, we found that opinions on how the Forest Service performs its minerals role differ depending on the interest group For example, representatives of the American Mining Congress told us they believe that the Forest Service is as capable as BLM of managing federal minerals matters. Conversely, representatives of the American Petroleum Institute, the Rocky Mountain Oil and Gas Association, and several oil and gas companies told us they believe that the Forest Service is not concerned with mineral management. They noted that (1) the Forest Service's enabling legislation does not mention minerals as a component of its charter to manage forest lands and (2) the Forest Service has always been more concerned with timber and surface resource management than with mineral management. Most of the industry representatives with whom we spoke with also complained that forest supervisors have too much discretion in managing individual forests and applying surface protection stipulations to mineral leases. They contend that a forest supervisor can essentially prevent mineral development on Forest Service lands.

Environmental groups' views of the Forest Services mineral management role also varied. For example, one environmental group told us that the Forest Service could be more sensitive to environmental concerns, while others said the agency's actions were reasonable and appropriate

Forest Service headquarters officials with whom we spoke, including the Associate Deputy Chief, stated that while there may have been a time when Forest Service personnel had an "anti-mining" attitude, making mineral exploration and development on Forest Service lands

difficult, this has changed in the last 10 to 15 years to a more balanced management approach. They pointed out, for example, that the Forest Service established a Minerals and Geology Management Program in 1976 that gave mineral management a higher priority than it had previously had within the agency. In addition, according to these officials, the Forest Service has emphasized the need for minerals training for its line managers and minerals staffs and has sent about 300 of its employees through an Advance Minerals Management Course. In addition, to supplement minerals specialist training, some staff have been sent through BLM minerals training programs and others have received minerals-related training through local colleges and universities.

The Forest Service's Associate Deputy Chief stated that the Forest Service's role in mineral management has not always been certain because it lacks clear statutory authority and responsibility. According to the Associate Deputy Chief, if the Forest Service attempts to exercise greater mineral management control, it can be criticized for infringing upon BLM's legal authority. On the other hand, Forest Service staff have been accused by some members of the mining industry of "hiding behind their lack of legislative authority" and being opposed to mineral development.

Forest Service Exercised Professional Judgment

Industry representatives provided us with cases that they believe demonstrate that the Forest Service delayed, precluded, or arbitrarily interfered with mineral development In reviewing these mineral management examples, we talked, in most instances, with the industry and environmental group representatives involved in each case, as well as the appropriate Forest Service and BLM officials. Although we did not evaluate the technical accuracy of Forest Service mineral analyses or other technical documents, we did discuss them with industry and BLM officials We also reviewed the basis for each Forest Service decision.

On the basis of our review of these examples, we believe that Forest Service officials reached their decisions on how to proceed with mineral development after carefully considering both mineral and surface resource protection concerns. In all cases discussed in this chapter, Forest Service decisions were based on professional analyses, such as environmental impact statements or mineral reports

Forest Service Limits Access to Protect the Manti-LaSal National Forest, Utah

The Manti-LaSal National Forest covers about 1.3 million acres in central and southern Utah. Twenty-two of the 35 producing coal leases in the national forest system are located in this forest. We reviewed two mineral projects for which coal companies sought drilling permits for coal exploration within the forest.

In each case, company officials complained that unwarranted Forest Service surface protection stipulations prevented road construction to some approved drill sites. Although the Forest Service authorized the companies to drill exploratory holes for these two projects, it refused to allow road construction to some of the drill sites because of the potential for severe and irreparable surface resource damage. Helicopter access to the drill sites was approved for one company, and the Forest Service recommended that it also be used for the other company. In both cases, the companies contended that helicopter-assisted drilling was prohibitively costly and ineffective. According to one company's exploration plan, reclamation of damages from road construction would be successful. However, the Forest Service performed an environmental analysis in each case that considered the views of the mining companies and the environmental community and concluded that road construction was environmentally unsound because it would permanently scar the area. Furthermore, it found that there would be unacceptable soil and vegetation loss and adverse affects on wildlife and visual quality in the area.

BLM officials with whom we spoke contend that, in general, the Forest Service's requirement that companies use helicopters for access to certain mining operations is unreasonable because of the additional costs involved. Forest Service officials, however, believe that such restrictions were necessary in this case and have been used successfully in other areas to protect forests from irreparable harm. A Utah environmental group official with whom we spoke believes that any coal mining in the Manti-LaSal National Forest is undesirable because of potential damage to the streambed, the watershed, and the wildlife habitat.

Forest Service Temporarily Suspended Oil and Gas Leasing in the Shoshone National Forest, Wyoming

In August 1983, the Forest Service suspended the processing of oil and gas lease applications in the Shoshone National Forest, located in northwestern Wyoming. At the time of our review, there was a backlog of about 140 unprocessed oil and gas lease applications in the forest. This forest consists of about 2.4 million acres, 57 percent of which are designated as wilderness and therefore closed to mineral exploration and development The forest borders the eastern boundary of Yellowstone National Park.

Oil and gas industry officials believe that Forest Service officials in the Shoshone National Forest have a bias against oil and gas activities. However, Forest Service officials with whom we spoke said they were concerned that the Forest Service was not adequately complying with NEPA requirements regarding the preparation of environmental impact statements when issuing leases in the forest. As a result, the lease application process was suspended until site-specific environmental analyses could be performed on all lease parcels in the forest. This analysis was completed in February 1986, and, according to the Forest Supervisor, as of April 1986, about 95 percent of the backlog of lease applications had been eliminated. Forest Service officials at the headquarters and forest levels referred to a March 1985 Montana federal district court decision, which concluded that the Forest Service and BLM had violated NEPA requirements by failing to prepare an environmental impact statement on the effects of oil and gas activity within two Montana national forests.

A Wyoming environmental group official with whom we spoke told us he believes that the Forest Service acted appropriately by temporarily suspending leasing in the Shoshone National Forest until the appropriate environmental analyses were completed.

Forest Service and BLM Prevent Phosphate Leasing on the Osceola National Forest, Florida

From 1969 to 1986, a mining company has attempted to obtain phosphate leases on the Osceola National Forest. The forest consists of about 158,000 acres of land in north central Florida. The Secretary of the Interior denied the company's lease application in January 1983 because the reclamation technology to meet Forest Service standards did not exist However, a company official maintains that the technology does exist to adequately reclaim lands strip-mined for phosphate, and the company subsequently sued the federal government in an effort to reverse the Secretary of the Interior's decision denying its lease applications In a February 1986 opinion, the United States District Court for the District of Columbia supported the Secretary of the Interior's decision to reject the lease applications, stating that the Secretary's decision was justified and supported by substantial evidence.

Florida environmental group officials with whom we spoke said that the Forest Service's lease stipulations were reasonable. In September 1984, the Congress passed the Florida Wilderness Act which, in addition to designating part of the forest as wilderness, prohibited phosphate leasing within the forest unless approved by a joint resolution of the Congress.

Forest Service Permitted Seismic Testing for Oil and Gas in the Huron-Manistee National Forest, Michigan

Seismic testing for oil and gas has been allowed in an environmentally sensitive area of the Huron-Manistee National Forest known as the Nordhouse Dunes. This 923,000 acre national forest is located in western Michigan, and the dunes, which are under consideration for wilderness designation, comprise about 2,830 acres on the shore of Lake Michigan. Although the federal government owns 100 percent of the surface, ownership of the mineral rights are split three ways: 68 percent is privately owned, the state of Michigan owns 24 percent, and the federal government owns the remaining 8 percent. An oil company, which leases the mineral rights from the private owner, has conducted seismic testing under Forest Service supervision that resulted in minimum surface disturbance. A number of groups—nearby property owners, recreational users, and environmentalists—have opposed such testing on the grounds that seismic testing will lead to drilling for oil and gas. Although the Forest Service, as surface owner, may impose conditions or stipulations to protect the surface, as it did for the seismic testing, it cannot deny the private owner reasonable access to the minerals. According to state law, the state is responsible for deciding whether to issue drilling permits. As of June 1986, the state had not received applications to drill, although state officials expect applications will be made at some point in the future. An environmental group representative told us that she believes that the Forest Service has done a good job in protecting the Nordhouse Dunes.

BLM Did Not Follow Forest Service Recommendations on Hardrock Mineral Patents in the Carson National Forests, New Mexico, and the Coronado National Forest, Arizona

BLM has final authority over patent applications for mining claims located under the 1872 Mining Law, but according to BLM officials, they rarely override a Forest Service recommendation on a patent application In these two cases, however, BLM did not follow Forest Service recommendations. In the first case, the Forest Service recommended that BLM not approve all the land requested in the patent application. In the second case, it recommended that BLM approve the patent application.

In the first case, a mining company applied for a patent for 10 mining claims within the Carson National Forest in northern New Mexico. The Forest Service mineral report concluded that a valuable mineral (mica) had been discovered on six of the claims. The report noted that four claims could not be profitably mined due to the high costs of mining and milling and were therefore invalid and unpatentable BLM disagreed with the technical adequacy of the Forest Service mineral report, prepared its own mineral report, and ultimately approved all 10 claims for patent. The two agencies used different data in their evaluations and, as a result, drew different conclusions. The individual who sought the patent

told us that he believes the Forest Service wants to keep the land in federal ownership. Forest Service officials, told us that they were unable to reconcile their differences with BLM with regard to the mineral report. BLM officials told us that this was a unique case because they rarely override a Forest Service patent recommendation. Despite their disagreements in this case, officials of both agencies who were involved with it continue to feel they have a good working relationship.

In the second case, a mining company applied for a patent on 22 mining claims, covering about 350 acres, within the Coronado National Forest in southeastern Arizona. The Forest Service mineral report concluded that a valuable mineral (copper) had been discovered on each claim and that the claims were patentable. BLM rejected the Forest Service report, concluding that the deposit could not be mined economically because current ore prices would not cover production costs. Although the company was denied a patent for its claims, it may acquire title to the land under a proposed land exchange being negotiated between it and the Forest Service, and thus will be able to mine the claims. In this case a company representative stated that the company was satisfied with how the Forest Service handled the patent application, even though BLM disallowed the patent.

Forest Service and BLM Mineral Officials Work Together Effectively

Forest Service officials said that they have a good working relationship with BLM in the minerals area at the headquarters level, although they occasionally encounter differences of opinion on minerals management decisions. These officials described the working relationship with BLM at the forest and district office level as good to excellent. They believe the proposed BLM/Forest Service interchange exemplifies the good relations between the two agencies in the minerals area.

BLM headquarters officials with whom we spoke, including the Director, said that, for the most part, they believe that they have a good working relationship with the Forest Service in the minerals area. They also commented that the biggest problem with the Forest Service's current minerals management is its lack of statutory authority for minerals. Finally, they believe that the Forest Service should place greater emphasis on minerals in its planning process at the forest level.

Conclusions

Forest Service officials are likely to face criticism from those with whom they disagree in any case involving mining activities on federal lands. Mining industry officials and an environmental group we talked

to called the Forest Service to task for their decisions. The Forest Service's responsibility, however, is to provide surface protection of federal lands while allowing for mineral development where possible. From our review of these examples, we found that the Forest Service based its decisions on professional analyses, such as environmental impact statements and mineral data analyses. Moreover, our discussions with both BLM and Forest Service officials indicate that the current minerals management relationship between BLM and the Forest Service is generally an effective one.

Comments From the Department of Agriculture

United States Department of Agriculture | Forest Service | Washington Office | 12th & Independence SW P.O. Box 2417 Washington, D.C. 20013

Reply to: 1420

JUL 2 3 1986

Subject: GAO Draft Report RCED-86-157

To: J. Dexter Peach, Director
Resources, Community, and Economic
Development Division
General Accounting Office
Washington, D.C. 20548

We have the following comments on the draft GAO proposed report entitled "Federal Mineral Resources, Forest Service Has A Limited But Influential Role, GAO/RCED-86-157":

Page 15, first paragraph, the disclaimer on the projection of observations to Regions not visited and lack of assessment of Forest Service ability to handle additional minerals management responsibilities.

Now on p 12 See Comment 1

Your sample included the units and people doing the majority of the minerals management work in the Forest Service including the full range of types and complexities of activities. We believe: (1) this does reflect the ability of the entire Agency to perform at the levels you observed, and (2) that the Agency could be expected to perform additional minerals management responsibilities with the same high degree of proficiency you observed. We would like to see this stated in the report.

Page 18, first paragraph, last sentence. The 6,000 figure is the number of cases or actions taken by the Forest Service involving locatable minerals not the number of operating plans reviewed. The sentence should be deleted or changed to reflect "cases" as the unit of measure.

Now on p 15 See Comment 2

Page 24, third paragraph, last sentence. The 300 staff members of the Forest Service went through national level Forest Service training, not BLM training.

We recommend the following wording: "In addition, according to these officials, the Forest Service has emphasized the need for minerals training for its line managers and minerals staffs and has sent about 300 of its employees through an Advanced Minerals Management Course. Also, to supplement minerals specialist training, staff have been sent through BLM minerals training programs and others have received minerals related training through local colleges and universities."

Now on p 19 See Comment 3

FS 6200 2817 821

Now on p 20 See Comment 3

Page 25, last paragraph, second sentence. The 13 producing coal mines is the number in the Intermountain Region, not the entire "National Forest System."

If you have any questions on our comments, please contact Jack Bills at 235-1750.

For: R. MAX PETERSON
Chief

FS 6200 28(7 82)

The following are GAO's comments on the Department of Agriculture's letter dated June 23, 1986.

GAO Comments

1 The Department of Agriculture had no disagreements with our report, although it offered technical clarifications Changes have been made to the text where appropriate. Furthermore, while the Forest Service believes our work reflects the performance of the entire agency and its ability to assume additional minerals responsibilities, we continue to believe it is not projectable nationwide because of the scope of our review.

2. Sentence deleted.

3. Clarifications have been made to the text of the report.

Comments From the Department of the Interior

IN REPLY REFER TO

United States Department of the Interior

1245 (680)

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

JUL 3 1986

Mr. J. Dexter Peach
Director, Resources, Community, and Economic
Development Division
General Accounting Office
Washington, D.C. 20548

Dear Mr. Peach:

Thank you for the opportunity to comment upon the draft report entitled, Federal Minerals Management--Forest Service Has A Limited But Influential Role. Our specific comments on a paragraph by paragraph basis are enclosed.

See Comment 1

As a general comment, we note that only the American Mining Congress (AMC) was listed among the industry organizations contacted by your auditors. Because the AMC generally represents the majority of major mineral producers and not the explorationists or smaller mineral producers, the report lacks the views of an important segment of the hardrock minerals industry. To remedy this, we suggest that your auditors contact the Northwest Mining Association, Nevada Mining Association, Idaho Mining Association, and the California Mining Association prior to preparation of the final report, to ensure that all segments of the industry have been given an opportunity to comment on the role of the Forest Service.

Beyond wishing to see this oversight corrected, we have no further comments.

Sincerely,

Director

Enclosure

(680)

Specific Comments to the Draft Proposed
GAO Report Titled Federal Minerals Management--Forest Service
Has A Limited But Influential Role

Now on p 8 See Comment 2

Page Nine, paragraph one: This paragraph creates the impression that the BLM is merely a minerals management agency. The BLM is a multiple use manager. BLM's role is to manage all resources on public lands administered by the Bureau and has the ultimate responsibility for mineral resources on all Federal lands. The second sentence in the paragraph should be rewritten to include the Bureau's multiple use role.

Now on p 8 See Comment 2

Page Ten, paragraph one: This figure makes no mention of potential for the development of minerals under the Mining Law of 1872. During FY 1985 the Forest Service authorized approximately 6000 operations while BLM had approximately 2400 operations. Clearly some potential for those minerals exists. An estimate of this potential should be included in this paragraph.

Now on p.11 See Comment 2

Page Thirteen, paragraph two: This paragraph refers to annual savings if the proposed interchange is adopted. It neglects to state the implementation costs of interchange. It should do so.

Now on p 14 See Comment 3

Page Sixteen, paragraph one: This paragraph is not quite complete. The Act of July 23, 1955, (Public Law 167) specifically amended the Materials Act of 1947 to give the Secretary of Agriculture authority over mineral materials on public lands administered by the Forest Service. The Act of June 11, 1960 did the same for acquired lands administered by the Forest Service. Thus, the Secretary of the Interior does not possess final decisionmaking authority for administering all minerals on all Federal lands. This paragraph should be rewritten to reflect this.

Now on p 15 See Comment 2

Page Seventeen, paragraph one: This paragraph creates the impression that the mining law operates on all public domain lands. Congress acted to removed public domain lands in Michigan, Minnesota, Wisconsin, Missouri, Kansas, and Alabama from the operation of the mining law. Only public domain lands administered by the Forest Service in Minnesota may be leased for hardrock minerals. There is legal access to public domain hardrock minerals in the other States.

Now on p 15 See Comment 2

Page Seventeen, paragraph two: This paragraph implies that Forest Service authority is derived from the statute rather than the 1957 interagency agreement referenced on page 38. The sole basis for Forest Service responsibilities is this interagency agreement which specifically puts Forest Service in the role of BLM's contractor. For this reason BLM retains final review and approval authorities. This paragraph must be rewritten to reflect these circumstances.

Now on p 16 See Comment 2

Page Nineteen, paragraph one: Third sentence. Insert "USDA" between "for" and "acquired" to show that the consent provisions of the Acquired Lands Act of 1947 only apply to Forest Service-administered acquired lands.

Now on p 16 See Comment 2

Page Nineteen, paragraph two: First sentence. Add the phrase "or the approved state regulatory authority" at the end of the sentence. This change is necessary since a number of States have assumed primary for SMCRA program enforcement.

Now on p 16 See Comment 4

Page Nineteen, paragraph three: First sentence. Add "as amended by Public Law 167." This specifies which legislation amended the Materials Act and the Mining Law of 1872 to remove "common varieties" from the operation of the mining law of 1872 and gave the Secretary of Agriculture authority to dispose of mineral materials.

Now on p 16 See Comment 5

Page Twenty, paragraph one: The name of the Act of March 4, 1917 is the Weeks Act and it is more commonly referred to by its title.

Now on p 17 See Comment 5

Page Twenty-one, Table 2.1: The public domain entry under hardrock minerals should be rewritten to reflect that management of surface disturbance by Forest Service is derived from the Organic Administration Act of June 4, 1897, and the examination of mining claims is derived from an interagency agreement.

Now on p.21 See Comment 5

Page Twenty-four, paragraph one: Four mining companies holding 41 lease applications sought leases from 1964 to 1986. These numbers are not reflected by the paragraph as it is written.

Now on p 22 See Comment 5

Page thirty, paragraph one: BLM did disagree with the technical adequacy of the mineral report and gave the Forest Service the opportunity to correct the difficiencies. The Forest Service declined to take the necessary actions. BLM prepared its own report after the patent applicant completed additional work to further support the discovery of a valuable mineral deposit on the unpatented mining claims.

See Comment 2

Page thirty-three, number 6: Change "federal" lands to public domain lands. Delete "general from the phrase general mining laws." Change the citation "43 CFR 3000, Minerals Management" to "43 CFR 3700 and 3800." The purpose of the 1957 Memorandum of Understanding is not to ensure "efficient coordination between the general surface resource management by the Forest Service and the administration of the mining laws by the BLM." The purpose of the agreement was and continues to provide the Forest Service procedures to be followed when BLM receives a mineral patent application, records a placer mining claim on certain types of withdrawn lands, or receives a verified statement pursuant to Public Law 167. Additionally, the agreement provides procedures to be followed when the Forest Service seeks to challenge the validity of a mining claim located on Forest Service administered lands.

The following are GAO's comments on the Department of the Interior's letter dated July 3, 1986.

GAO Comments

1. The Department of the Interior had no disagreements with our report, although it offered technical clarifications. Changes have been made to the text where appropriate. Furthermore, Interior commented that GAO had only listed one industry organization as having been contacted and thus lacked the views of other segments of the hardrock mining industry We, in fact, listed, in appendix III, numerous industry organizations and firms of varying sizes that we contacted during the course of the review.

2. Clarifications have been made to the text of the report

3 Our report states that the Secretary of the Interior has final decision-making authority for administering the mining and leasing laws As explained in chapter II and in appendix IV, the Secretary of Agriculture has the authority to dispose of minerals known as "common varieties" on public domain and acquired lands.

4. This comment provides additional legislative history that does not require a change to the text of the report.

5 This additional information does not require a change to the text of the report

Individuals and Organizations GAO Contacted

Industry Organizations and Officials
American Mining Congress
American Petroleum Institute and members representing ARCO Conoco Independent Petroleum Association of America Phillips Petroleum
Anamax Mining Company
Beaver Creek Coal Company
Coastal States Energy Company
Energy Reserves Group, Inc
Kerr-McGee Corporation
Marathon Oil Company
Miller Brothers Oil Corporation
Mineral Industrial Commodities of America, Inc
Petroleum Association of Wyoming
Rocky Mountain Oil and Gas Association and members representing Amoco Cenex Chevron Conoco Exxon Mid-Continent Oil Phillips
Utah Power and Light Company
Environmental Groups and Officials
Conservation Federation of Missouri
Florida Defenders of the Environment
Foundation for North American Wild Sheep
Legal Environmental Assistance Foundation
Sierra Club officials in Jackson, Wyoming Lansing, Michigan Salt Lake City, Utah Sheridan, Wyoming
Utah Wilderness Association
BLM Officials
Director and other officials, BLM Headquarters
Arizona State Office
Colorado State Office
Eastern States Office (Alexandria, Va)
New Mexico State Office
Utah State Office

District offices in
Jackson, Mississippi
Milwaukee, Wisconsin
Moab, Utah
Rock Springs, Wyoming
Worland, Wyoming
Forest Service Officials
Associate Deputy Chief and other officials,
Forest Service Headquarters
Eastern Region (Milwaukee)
Intermountain Region (Ogden)
Rocky Mountain Region (Lakewood)
Southern Region (Atlanta)
Southwestern Region (Albuquerque)
Bridger-Teton National Forest (Wyoming)
Carson National Forest (New Mexico)
Coronado National Forest (Arizona)
Huron-Manistee National Forest (Michigan)
Manti-LaSal National Forest (Utah)
Mark Twain National Forest (Missouri)
Mississippi National Forests
Osceola National Forest (Florida)
Shoshone National Forest (Wyoming)
Wasatch-Cache National Forest (Utah)
Ranger district offices in
Big Piney, Wyoming
Price, Utah
Others
Florida Department of Natural Resources

The Forest Service's Minerals Management and Surface Protection Laws and Authorities

This appendix lists legislation and other authorities that govern minerals management activities in the Forest Service.

Major Laws

1. The Organic Administration Act of June 4, 1897 (30 Stat 34; 16 U.S.C. 478, 482, 551). Although this act is not primarily concerned with mineral development in national forests, it provides for the continuing right to conduct mining activities under the general mining laws if the rules and regulations covering the national forests are complied with. It also states that miners and prospectors have access rights into national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources in the forests

2. The Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S C. 1133) This act provides that until midnight, December 31, 1983, lands classified as wilderness shall remain open to mining locations and mineral leasing. However, except for pre-existing mining claims and leases, effective January 1, 1984, these wilderness areas are withdrawn from activities under the mining and mineral leasing laws

3. National Environmental Policy Act of January 1, 1970 (83 Stat. 852; 42 U.S.C 4332). This act requires federal agencies to use a systematic, interdisciplinary approach to ensure the integrated use of natural and social sciences in planning and decisionmaking. It also directs that an analysis of probable effects of proposed federal actions must be completed to determine the effects of those actions on the environment Generally, decisions on mineral development are subject to this law.

4. Forest and Rangeland Renewable Resources Planning Act of August 17, 1974 (88 Stat. 476; 16 U.S.C 1601, 1602) This act directs that all resources on National Forest System lands be assessed to determine the desired level of future production from Forest Service programs. Assessments are made every 10 years; program documents are prepared every 5 years. The final policy statement and program serve as a long-range guide to developing Forest Service budget proposals.

5. National Forest Management Act of October 22, 1976 (90 Stat 2949; 16 U.S.C 1601, 1602) This act requires that the Forest Service establish a comprehensive system of land and resource planning This act, however, does not explicitly require that minerals be included in the planning process.

6. The Mining Law of 1872 (30 U.S.C. 22, 29, 37). Basically, this act provides that valuable mineral deposits on public domain lands, including national forest lands, are open to exploration and purchase. BLM, as authorized by the Secretary of the Interior, is responsible for administering the general mining laws. However, the Memorandum of Understanding of April 1957 between BLM and the Forest Service provides for joint administration of the mining laws on National Forest System lands. The purpose of the agreement includes ensuring efficient coordination between the general surface resource management by the Forest Service and the administration of the mining laws by BLM and providing procedures to be followed by the Forest Service regarding the patenting of mining claims. The mining laws are administered through 43 CFR 3700 and 43 CFR 3800, Minerals Management, and 43 CFR 1800, Public Administrative Procedures. Operations on claims must comply with the surface management requirements for mining claims set forth in (36 CFR 228 Subpart A).

7. Mineral Lands Leasing Act of 1920 (41 Stat 437, 30 U S C 181) This act applies to both public domain and national forest lands reserved from the public domain. Mineral deposits subject to this act include coal, oil, gas, oil shale, other bitumens, potassium, sodium, and phosphate Applications for prospecting permits and leases under this act that involve National Forest System lands are referred by BLM to the Forest Service for its recommendations on reasonable measures to be taken to protect surface resources and reclaim disturbed lands The Forest Service analyzes the possible environmental impacts that might result from mineral development If significant environmental impacts are indicated, the Forest Service and BLM may cooperate in preparing an environmental statement as required by the National Environmental Policy Act

8. President's Reorganization Plan No. 3 of 1946 (60 Stat. 1097, 5 U.S.C. Appendix). The plan transfers to the Secretary of the Interior jurisdiction over mineral deposits on lands administered by the Secretary of Agriculture. Mineral development is to be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purpose for which the land was acquired and only in accordance with such conditions as the Secretary of Agriculture may specify.

9 Mineral Leasing Act for Acquired Lands of 1947 (61 Stat. 913; 30 U.S.C. 351,352) This act makes "leasable" minerals on acquired National Forest System lands subject to provisions of the 1920 Leasing

Act Most of these acquired lands are in the East. Mineral leases for acquired lands may be issued only with the consent of the Secretary of Agriculture and are subject to such terms and conditions as may be required to ensure the adequate utilization of the lands for the purposes for which they were acquired or are being administered. The Secretary of Agriculture has delegated this authority to the Chief of the Forest Service.

10. Geothermal Steam Act of 1970 (84 Stat. 1566; 30 U S C. 1001-1025) This act provides for the leasing of lands by the Department of the Interior for geothermal steam development, subject to the consent of the Forest Service, on National Forest System lands.

11. Federal Coal Leasing Amendments Act of 1976 (90 Stat 1083, 30 U.S.C. 201, 207). This act gives the Forest Service full consent authority for coal leasing on National Forest System lands.

12 The Materials Act of 1947, amended in 1955, (30 U.S.C. 601 et seq.). This act specifically requires competitive bidding for minerals known as "common varieties," such as sand and gravel, on public domain lands unless (1) it is impracticable to obtain competition, or (2) a federal, state, or local government agency is to use the mineral materials in a public works improvement program, and the public exegency will not permit the delay incident to advertising.

In the both cases, negotiated sales are allowable The Secretary also has the descretion to allow public and non-profit organizations to remove the materials without charge.

The authority to dispose of mineral materials from lands acquired under the Weeks Law of March 1, 1911 (36 Stat 961) stems from the Act of March 4, 1917 (39 Stat. 1150) (16 U.S.C. 520), which permits the prospecting, development and utilization of mineral resources That authority was revested in the Secretary of Agriculture by the Act of June 11, 1960 (74 Stat. 205) (16 U.S.C. 520) for Weeks Law lands and for those lands given Weeks Law status by the Act of September 2, 1958 (16 U.S.C. 521a).

Other Laws and Authorities

1 Multiple Use Sustained Yield-Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531). This act requires due consideration for the relative values of all resources.

2. The Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1744). This act requires mining claimants to record their location notices and other information with BLM in addition to the local county recorder as required by state laws and regulations.

3. Mining and Minerals Policy Act of December 31, 1970 (84 Stat. 1876; 30 U.S.C. 21a). This act reaffirms the policy of the federal government to foster and encourage private enterprise in the development of economically sound and stable domestic mining and minerals industries and the orderly and economic development of domestic mineral resources This act also encourages private enterprise in the study and development of methods for the disposal and control of mineral waste products and the reclamation of mined federal lands

4. Energy Security Act of June 30, 1980 (94 Stat. 611). One purpose of this act is to develop the capability to produce additional sources of energy that can be employed as an alternative to imported oil Section 262 of this act directs the Secretary of Agriculture to process applications for leases and permits to explore, drill, and develop energy resources on National Forest System lands, notwithstanding the current status of land management plans under section 6 of the National Forest Management Act (16 U.S.C 1604).

5. Surface Mining Control and Reclamation Act of August 3, 1977 (91 Stat 445; 30 U.S C. 1201-1328). This act provides for cooperation between the Secretary of the Interior and the states in the regulation of surface coal mining, including surface operations and surface impacts incidental to or resulting from underground coal mining. This law has detailed provisions regarding permit requirements, environmental protection standards, reclamation plan requirements, reclamation of abandoned mines, and designation of areas as unsuitable for surface coal mining operations. The responsibility for these provisions is given to the Secretary of the Interior and to the states; however, the Forest Service is necessarily involved wherever there are operations on National Forest System lands.

Agreements Between Agencies of the Department of the Interior and the Forest Service

The Department of Agriculture has entered into interagency agreements with the Department of the Interior to establish cooperation and coordination in the management of federal minerals within national forests. The agreements include

- procedures for mineral leases and permits administered under section 402 of the President's Reorganization Plan 3 of 1946 (November 8, 1946);
- work procedures for land applications or mining claims (including patents) for national forests (May 18, 1957);
- mutual cooperation between Interior's U.S. Geological Survey and the Forest Service concerning oil and gas operations on national forests (March 4, 1977);
- coordination of activities under the federal coal management program (May 20, 1980);
- cooperation between the U.S. Geological Survey and the Forest Service for operations under solid mineral leases and permits on national forests (November 26, 1980);
- mutual coordination between the U.S. Geological Survey, BLM, and the Forest Service for the geothermal steam leasing program (December 3, 1981); and
- policies and procedures for licenses, permits, and leases on national forests and adjoining private lands (June 19, 1984)

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