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National Forest Minerals Management [outline]

Jerry L. Haggard

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OUTLINE

NATIONAL FOREST MINERALS MANAGEMENT

BY

JERRY L. HAGGARD
EVANS, KITCHEL & JENCKES, P.C.

FEDERAL LANDS, LAWS AND
POLICIES AND THE DEVELOPMENT
OF NATURAL RESOURCES

THE UNIVERSITY OF COLORADO SCHOOL OF LAW

NATIONAL FOREST MINERALS MANAGEMENT

- I. Multiple Surface Use Act of 1955. P.L. 87-713 (30 USC 612-15).
 - A. Background leading to enactment.
 - 1. Common variety problems.
 - 2. Abuse of surface use problem.
 - B. Forest Service mineral material disposal authority. 30 USC 601.
 - 1. Forest Service mineral material sale system, 30 USC 602-604; 36 CFR 251.4.
 - C. Limitations and Use of Mining Claims. 30 USC 612(a).
 - D. Management of Surface of Mining Claims. 30 USC 612(b), (c).
 - 1. Management of mining claimant activities.
 - 2. Management of other mining claim surface uses.
 - 3. Determination of rights of mining claimants to surface resources. 30 USC 613-15.

- II. Multiple-Use Sustained-Yield Act of 1960. P.L. 86-517 (16 USC 528-531).
 - A. Congressional Policy for Establishing and Administering National Forests.
 - 1. Provisions for outdoor recreation, range, timber, watershed and fish and wildlife (16 USC 528) and wilderness (16 USC 529).
 - 2. Multiple Use concept.
 - 3. Sustained yield.
 - B. Specific Uses.
 - 1. De facto wildernesses established. Parker v. United States, 309 F.Supp. 593 (D.C. Colo. 1970) aff'd. 448 F.2d 793.
 - 2. No effect on use or administration of mineral resources. 16 USC 528.
 - 3. 1960 Act supplemental to 1897 Organic Act expressly providing for mineral uses. 16 USC 478, 482;

West Virginia Division of Izaak Walton League of America v. Butz, 522 F.2d 945 (C.A. W.Va. 1975).

C. Standards for Management.

1. Standard for reviewing Secretary's decisions. Dorothy Thomas Foundation v. Hardin, 317 F.Supp. 1072 (D.C. N.C. 1970).
2. Choice of proper uses. Sierra Club v. Hardin, 325 F.Supp. 99 (D.C. Alaska 1971).

III. Management of Minerals on Acquired Lands.

A. Authorities:

1. Act of July 31, 1947 (30 USC 601 et seq.).
2. Act of June 11, 1960 (5 USC 511, note).
3. Section 402 of Reorganization Plan No. 3 of 1946 (5 USC 133y-16, note).

B. Disposal Procedures. 36 CFR 251.4a.

IV. National Forest System Planning.

- A. Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) as amended by National Forest Management Act of 1976 (16 USC 1600 et seq.); 36 CFT Part 219).
- B. Renewable Resources Extension Act of 1978 (16 USC 1671 et seq.).