

FOREST SERVICE MANUAL
WASHINGTON

TITLE 2800 - MINERALS AND GEOLOGY

Amendment No. 2800-96-3

Effective October 10, 1996

POSTING NOTICE. Amendments are numbered consecutively by title and calendar year. Post by document name. Remove entire document and replace with this amendment. Retain this transmittal as the first page of this document. The last amendment to this Title was Amendment 2800-96-2 to 2800 Zero Code.

This amendment supersedes Amendment 2800-92-2 to FSM 2860.

Document Name	Superseded (Number of Pages)	New (Number of Pages)
2860	5	5

Digest:

2862.3 - Clarifies procedures for authorizing off-leasehold seismic activities and provides cross-references for permits (FSH 2709.11, sec. 45.61) and fees (FSH 2709.11, sec. 36.6).

There are no substantive changes to direction in the rest of this chapter.

JACK WARD THOMAS
Chief

FSM 2800 - MINERALS AND GEOLOGY
WO AMENDMENT 2800-96-3
EFFECTIVE 10/10/96

CHAPTER 2860 - FOREST SERVICE AUTHORIZED
PROSPECTING AND MINERAL COLLECTING

2860.2 - Objectives.

1. To encourage and facilitate the collection of information about energy and mineral resources and other geologic aspects of the National Forest System.

2. To provide the opportunity for recreational collection of mineral and fossil materials.

3. To respond to prospecting and collecting proposals within established timeframes.

2860.3 - Policy.

1. Jurisdiction. Ensure that proposed activities for prospecting and collecting fall within the jurisdiction of the Forest Service (FSM 2861). Except for common variety mineral activities, which are solely within Forest Service jurisdiction (FSM 2850), do not authorize prospecting or collecting activities that are likely to result in gathering direct information on the presence of a mineral resource.

2. Interagency Consultation. The responsible Forest Officer shall consult with the U.S. Department of the Interior if there is a question as to whether or not a proposed activity will likely provide direct information on the presence of a mineral resource other than a common variety mineral or if the activity potentially conflicts with the rights of the holder of a U.S. Department of the Interior lease, license, or permit.

3. Fees. Do not charge fees for:

a. Exploration or prospecting conducted by a Government agency or a nonprofit entity.

b. Exploration or prospecting conducted by a lessee, licensee, permittee or operator in an area and for activity covered by a lease, permit, or license issued by the U.S. Department of the Interior.

4. Records. Maintain a record of applications and authorizations serialized by Region, Forest, District, type of action, and fiscal year.

5. Bonding. Except for government-conducted exploration, require a bond if the proposed activity will involve significant surface disturbance or has the potential to adversely affect subsurface resources. FSM 6560 sets forth bonding requirements.

2860.4 - Responsibility.

2860.4a - Deputy Chief, National Forest System. It is the responsibility of the Deputy Chief to establish standard permit stipulations and fee bases for common, system-wide mineral prospecting activities such as seismic prospecting.

2860.4b - Regional Foresters. Regional Foresters shall establish time-frames for review and disposition of applications and shall maintain necessary serialized records. Recordkeeping may be redelegated as necessary to ensure that each organizational level obtains data and maintains records sufficient for carrying out

its responsibilities. The Regional Forester may issue Forest Service exploration licenses and may redelegate that authority to the Forest Supervisor.

2860.4c - Forest Supervisors. Forest Supervisors may authorize exploration and collecting activities and may redelegate that authority to the District Ranger. Recordkeeping may be redelegated as necessary to ensure that each organizational level obtains data and maintains records sufficient for carrying out its responsibilities.

2860.4d - District Rangers. District Rangers shall review and evaluate exploration and collecting activities, then make recommendations to the Forest Supervisor or authorize the activity if delegated to do so.

2860.5 - Definitions.

1. Prospecting - Delineation of an area in which exploration would follow by gathering indirect evidence of mineral or energy resources. Indirect data gathering techniques include, but are not limited to: conducting geophysical or geochemical surveys, sampling outcrops, geologic mapping, and drilling holes to gather general geologic or stratigraphic information.

2. Exploration - Establishing the location, size, grade, or reserves of a mineral or energy resource by gathering direct evidence of the resource. Direct data gathering techniques may include drilling holes, digging pits, and driving adits and drifts to sample, or test, a known or suspected zone of interest.

2861 - DETERMINING FOREST SERVICE JURISDICTION. In responding to requests for permission to prospect for minerals or to collect mineral or fossil samples, the first step is to determine whether the proposed activity falls within Forest Service jurisdiction.

2861.1 - General Criteria. The Forest Service authorizes various methods of preliminary prospecting and mineral sample collection on National Forest System lands if no other authority exists, and if the activity does not conflict with the rights of: A holder of a mining claim; a holder of a U.S. Department of the Interior (USDI) lease, permit, or license; or the owner of reserved or outstanding minerals. A separate authorization is not required for activities authorized by the General Mining Laws (FSM 2810); activities authorized by USDI (FSM 2820); or land use activity conducted pursuant to reserved and outstanding mineral rights (FSM 2830).

2861.2 - Allowable Activities Under Forest Service Jurisdiction. Allowable activities include, but are not limited to, surface mapping, blasting, excavation, sampling, and collecting with hand tools or hand-carried motorized equipment; seismic, gravity, heat flow, resistivity, and other geophysical surveys; and geochemical surveys, such as stream sediment sampling.

Forest Officers may authorize drilling for such purposes as:

1. Gathering data on geothermal temperature gradients or ground water conditions.

2. Conducting engineering studies and gathering general stratigraphic information.

3. Gathering direct information on the presence and character of a common variety mineral.

4. Placing a seismic charge.

Core drilling is allowable if it is the most efficient method of advancing a temperature gradient or stratigraphic test hole, and if precautions are taken to prevent coring in known or suspected zones of mineral deposits.

Forest Officers may authorize trenching to aid in surface mapping or indirect mineral-related surveys, but not for penetration of suspected mineral deposits. Forest Officers may authorize geophysical logging of drill holes, if precautions are taken to prevent logging of known or suspected zones of mineral deposits.

The authorized officer shall select the least complicated instrument for authorizing a prospecting or collecting activity commensurate with the potential impact of the authorized activity on other resources. The instrument may include a phone call, a letter, standard permit and application forms for commonly occurring activities, or a special use permit.

2862 - EXCEPTIONS AND SPECIAL SITUATIONS.

2862.1 - Hardrock Mineral Collecting. On lands where hardrock minerals are leasable, the Forest Service may determine which areas and under what conditions hardrock mineral specimens may be collected for non-commercial purposes, such as collecting for recreational, scientific or research purposes (43 CFR 3560.7).

2862.2 - Coal-Related Activities. The Forest Service may not authorize exploration for coal except to accommodate a government-conducted program.

2862.3 - Geophysical Activities. Forest Service authorization is required for seismic activity. For on-leasehold activities, the Forest Service recognizes that the right to conduct such activity is granted by the terms and conditions of a standard U.S. Department of the Interior (USDI) oil and gas lease. Off-leasehold seismic activity is authorized by a Forest Service temporary use permit (FSH 2709.11, sec. 45.61). However, the operator may elect to combine both on-leasehold and off-leasehold activity in one Forest Service authorization. See FSM 2860.3 and FSH 2709.11, section 36.6, for fee policy involving seismic exploration.

A USDI-approved Exploration or Development Unit is treated as though it were a single leasehold and the Unit Operator the lessee.

Authorizing seismic and other geophysical activities on a leasehold by an applicant other than the holder of a USDI oil and gas lease does not conflict with the rights granted to the holder of that lease.

2862.4 - Forest Service Exploration License for Hardrock Leasable or Solid Leasable Minerals Other Than Coal and Oil Shale. With U.S. Department of the Interior consent to the exploration plan and if no other authority exists, the Forest Service may authorize exploration licenses that allow gathering direct information on the presence of a hardrock leasable mineral or solid leasable mineral, other than coal and oil shale. Such a

license is nonexclusive and confers no preference right to lease. The procedures for processing a Forest Service license are outlined in FSM 2860.

2862.5 - Geothermal-Related Activities. Shallow temperature gradient holes, drilled to depths of 500 feet or less, are subject to the technical provisions of U.S. Department of the Interior (USDI) Geothermal Resources Operational (GRO) Order No. 1, Part 3, Drilling of Shallow Holes. In areas where 500 feet is too shallow for determining the regional temperature gradient, deeper drilling is allowable subject to all of the following conditions:

1. Concurrence of USDI.

2. Adherence to the provisions of GRO Order No. 2 regarding casing, cementing, and blowout protection.

In addition to meeting the foregoing conditions, the authorized officer must also obtain the concurrence of the Regional Forester for an application to drill holes deeper than 2,000 feet.

2862.6 - Wilderness. When authorizing exploration within designated wilderness, include terms and conditions to ensure that activities are conducted in a manner compatible with the preservation of the wilderness environment (FSM 2323.7).