



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

**INFORMATIONAL MEMORANDUM TO DALE BOSWORTH,  
CHIEF OF FOREST SERVICE**

**FROM:** Mark Rey  
Undersecretary *Mark Rey 9/22/03*  
Natural Resources and Environment

**Subject:** USDA Policy on Mining of Public Domain Mineral Estate

**ISSUE:**

This letter is to clarify the United States Department of Agriculture's (USDA) policy regarding the regulation on National Forests of operations reasonably necessary for mining operations on National Forest System lands reserved from public domain and open to mineral entry. The United States Department of the Interior's (USDI) Nov. 12, 1997 mill site opinion; USDI's January 18, 2001, opinion and a March 25, 1999, joint USDA/USDI letter to Battle Mountain Gold on some issues related specifically to the Crown Jewel project have caused questions to be raised about USDA policy in the application of Forest Service locatable mineral regulations 36 CFR 228 Subpart A.

**DISCUSSION:**

I want to affirm that none of these documents have amended or limited the application of the Forest Service's locatable mineral regulations, which remain fully in effect for all operations, regardless of whether the operations are proposed on or off mining claims. The Forest Service will conduct a timely review of proposed operations; ensure the environment is protected; verify that the operations are in compliance with the regulations; and authorize the operations on National Forest System lands reserved from public domain and open to mineral entry in accordance with the applicable regulations.

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**SUMMARY:**

On National Forest system lands reserved from public domain and open to entry under the mining law, the Forest Service is not required to inquire into claim validity before processing and approving proposed plans of operations. Consistent with its regulations and the Surface Resources Act (30 U.S.C. 612), the Forest Service will continue to ensure proposed activities are required for and reasonably incidental to prospecting, mining, or processing operations, and ensure operations minimize adverse environmental effects to the extent feasible. Such activities will be authorized through an approved plan of operations.