

would have to submit a new plan in accordance with the specifications of § 292.62 of this proposed rule. The 5-year limit was chosen with large projects in mind. It would provide the authorized officer a more frequent and consistent approach to reviewing and updating operating conditions and ensuring the approved plan of operations remains consistent with the purposes for which the SRNRA was established. The 5-year limit will have little to no effect on the typical small-scale operation which last only one or two years from start to finish.

Proposed § 292.63(f) explains that substantive changes to an approved plan of operations must be reviewed and approved by the authorized officer. Under this paragraph, the operator has the option to submit a modification of an approved plan of operations, as provided for in 36 CFR 228.4(e), which clearly identifies the elements that are different from the previously approved plan of operations, or to submit a supplemental plan of operations pursuant to 36 CFR 228.4(d).

*Section 292.64, Plan of operations suspension.* Proposed § 292.64 authorizes the suspension of mineral operations under an approved plan of operations by the Forest Service authorized officer, if the operator is not in compliance with applicable law, regulations, or the terms and conditions of the approved plan. If an operator is found to be in noncompliance, the authorized officer must provide the operator with the reasons why the plan of operations is not in compliance with the laws, regulations, or the approved plan of operations and a reasonable time to abate the noncompliance. Generally, the operator will have at least 30 days after the notice of noncompliance is issued to correct the noncompliance before a suspension becomes effective. However, for those instances that present an imminent threat of harm to public health, safety, or the environment or where such harm is already occurring, the authorized officer can take immediate action to alleviate the threat or damage. This immediate suspension authority would allow the authorized officer to take steps to avoid or minimize the risk of harm to persons and the environment. Only after the harm or risk of harm has been abated would the authorized officer be required to notify the operator of the suspension and provide him or her with an opportunity to respond.

*Section 292.65, Operating plan requirements.* Proposed § 292.65 establishes that operating plans are required for mineral operations involving outstanding mineral rights;

that is, mineral rights owned by a party other than the surface owner at the time the surface estate was conveyed to the Federal government.

Proposed § 292.65(a) specifies that all individuals who want to exercise outstanding mineral rights in the SRNRA must submit an operating plan to the authorized officer at least 60 days in advance of surface occupancy.

Proposed § 292.65(b) specifies the information that an operator must provide in order to conduct mineral operations involving outstanding mineral rights where the surface estate is within the SRNRA. The operating plan must include information such as: (1) Evidence of ownership of the outstanding mineral rights, (2) the name of a designated field representative, (3) a map showing the location and dimension of all improvements, (4) a plan of operations including a schedule for construction and drilling, and (5) a soil erosion and sedimentation control plan.

*Section 292.66, Operating plan acceptance.* Proposed § 292.66 establishes the procedures by which operating plans in the SRNRA would be processed.

Proposed § 292.66(a) requires the authorized officer to review that portion of the operating plan related to substantiating outstanding mineral rights and notify the operator whether the information required to substantiate ownership of outstanding mineral rights has been provided to the Forest Service. If more information must be provided by the operator, the Forest Service would specify what is needed. If no more information is necessary for the Forest Service to complete its review, the authorized officer would indicate when the review is expected to be completed.

Proposed § 292.66(b) would specify that if outstanding mineral rights have not been verified, the authorized officer would notify the operator of the finding, the reasons for such a finding, and that the proposed operation cannot be conducted.

Proposed § 292.66(c) would specify that if outstanding mineral rights have been verified, the authorized officer would notify the operator that outstanding mineral rights have been verified, that the Forest Service would begin a review of the proposed operating plan, and the date when the Forest Service would expect to complete the review.

Proposed § 292.66(d) explains that the authorized officer will focus the review of the operating plan on whether the development activities proposed are consistent with the rights granted by the

deed, consistent with the SRNRA Management Plan, and whether the development activities will utilize the least amount of surface lands necessary for the operation.

Proposed § 292.66(e) would specify that upon completion of the review of the operating plan, the authorized officer would notify the operator of the findings. If the findings indicate that the proposed operating plan is consistent with the rights granted by the deed of conveyance, consistent with the SRNRA Management Plan, and uses only that portion of the surface as is absolutely necessary, the operating plan would be determined to be acceptable to the Forest Service. If the findings indicate that the proposed operating plan does not meet all three criteria listed at § 292.66 (d)(1) through (d)(3), the authorized officer must specify the reasons why the proposed operating plan does not meet the three listed criteria, propose changes to the operating plan to make it consistent with the three criteria, and attempt to negotiate the proposed changes with the operator.

Proposed § 292.66(f) would require that another operating plan be submitted if additional operations not included in an acceptable operating plan are proposed and that the process as outlined in § 292.66 would be followed. This provision is similar to that in § 228.5(c) and § 292.63(f) of the proposed rule.

By requiring parallel information and review of operations under outstanding mineral rights, the Forest Service can ensure that the values for which the SRNRA was established are protected, and operators can be assured that requirements for negotiating modifications to an operating plan are consistent with those required of other mineral programs.

*Section 292.67, Mineral material operations.* Proposed § 292.67 states that the disposal of common variety mineral materials would be governed by the existing mineral material regulations set forth at 36 CFR part 228, subpart C, and would require that proposals for the extraction and removal of common variety mineral materials within the SRNRA would be approved only if the material is used within the SRNRA or in one of the four excluded areas identified by the Act.

*Section 292.68, Indemnification.* This section would provide a means of protecting the United States Government from liability as a result of claims, demands, losses, or judgments caused by an operator's use or occupancy. In addition, the operator would be required to pay the costs