

### Subpart—B—Non-Federal Oil and Gas Rights

AUTHORITY: Act of August 25, 1916, 39 Stat. 535 (16 U.S.C. 1, et seq.); and the acts establishing the units of the National Park System, including but not limited to: Act of April 25, 1947, 61 Stat. 54 (16 U.S.C. 241, et seq.); Act of July 2, 1958, 72 Stat. 285 (16 U.S.C. 410, et seq.); Act of October 27, 1972, 86 Stat. 1312 (16 U.S.C. 460dd, et seq.); Act of October 11, 1974, 88 Stat. 1256 (16 U.S.C. 698-698e); Act of October 11, 1974, 88 Stat. 1258 (16 U.S.C. 698f-698m); Act of December 27, 1974, 88 Stat. 1787 (16 U.S.C. 460ff et seq.).

SOURCE: 43 FR 57825, Dec. 8, 1978, unless otherwise noted.

#### § 9.30 Purpose and scope.

(a) These regulations control all activities within any unit of the National Park System in the exercise of rights to oil and gas not owned by the United States where access is on, across or through federally owned or controlled lands or waters. Such rights arise most frequently in one of two situations: (1) When the land is owned in fee, including the right to the oil and gas, or (2) When in a transfer of the surface estate to the United States, the grantor reserved the rights to the oil and gas. These regulations are designed to insure that activities undertaken pursuant to these rights are conducted in a manner consistent with the purposes for which the National Park System and each unit thereof were created, to prevent or minimize damage to the environment and other resource values, and to insure to the extent feasible that all units of the National Park System are left unimpaired for the enjoyment of future generations.

These regulations are not intended to result in the taking of a property interest, but rather to impose reasonable regulations on activities which involve and affect federally-owned lands.

(b) Regulations controlling the exercise of minerals rights obtained under the Mining Law of 1872 in units of the National Park System can be found at 36 CFR part 9, subpart A. In area where oil and gas are owned by the United States, and leasing is authorized, the applicable regulations can be found at 43 CFR, Group 3100.

(c) These regulations allow operators the flexibility to design plans of operations only for that phase of operations contemplated. Each plan need only describe those functions for which the operator wants immediate approval. For instance, it is impossible to define, at the beginning of exploratory activity, the design that production facilities might take. For this reason, an operator may submit a plan which applies only to the exploratory phase, allowing careful preparation of a plan for the production phase after exploration is completed. This allows for phased reclamation and bonding at a level commensurate with the level of operations approved. However, it must be noted that because of potential cumulative impacts, and because of qualitative differences in the nature of the operations, approval of a plan of operations covering one phase of operations does not guarantee later approval of a plan of operations covering a subsequent phase.

[43 FR 57825, Dec. 8, 1978, as amended at 44 FR 37914, June 29, 1979]

#### § 9.31 Definitions.

The terms used in this subpart shall have the following meanings:

(a) *Secretary*. The Secretary of the Interior.

(b) *Director*. The Director of the National Park Service or his designee.

(c) *Operations*. All functions, work and activities within a unit in connection with exploration for and development of oil and gas resources, the right to which is not owned by the United States, including: gathering basic information required to comply with this subpart, prospecting, exploration, surveying, preproduction development and production; gathering, onsite storage, transport or processing of petroleum products; surveillance, inspection, monitoring, or maintenance of equipment; reclamation of the surface disturbed by such activities; and all activities and uses reasonably incident thereto performed within a unit, including construction or use of roads, pipelines, or other means of access or transportation on, across, or through federally owned or controlled lands and