(iii) Provide for prompt stabilization and restoration of areas disturbed by the operations.


Subpart D—Sawtooth National Recreation Area—Federal Lands


§ 292.17 General provisions.

(a) The use, management and utilization of natural resources on the Federal lands in the Sawtooth National Recreation Area (SNRA) are subject to the General Management Plan and the laws, rules, and regulations pertaining to the National Forests with the exception that part 252 of this chapter does not apply to these resources. No use or disposal of such resources shall be authorized which will result in substantial impairment of the natural values of the Recreation Area.

(b) Definitions:

(1) Act means Pub. L. 92–400 (86 Stat. 612), which established the SNRA.

(2) Area Ranger or Superintendent means the Forest Service officer having administrative authority for the SNRA.

(3) General management plan means the document setting forth the land allocation and resource decisions for management of the SNRA.

(4) Letter of authorization means a letter signed by the Area Ranger, or his designee, authorizing an operator to conduct operations as approved in the operating plan.

(5) Mineral resources means all locatable minerals.

(6) Operator means a person conducting or proposing to conduct operations.

(7) Operations means all functions, works, and activities in connection with exploration, development, mining or processing of mineral resources and all uses reasonably incident thereto, including roads and other means of access on lands, regardless of whether said operations take place on or off mining claims.

(8) Operating plan means a written instrument describing proposed operations on Federal lands and containing such information as required by §292.18.

(9) Person means any individual, partnership, association, corporation, or other legal entity.

(10) Substantial impairment means that level of disturbance of the values of the SNRA which is incompatible with the standards of the General Management Plan. The proposed activities will be evaluated as to:

(i) The period of impact,

(ii) The area affected, and

(iii) The importance of the impact on the SNRA values.

(11) Unpatented mining claims means any mining claim or millsite claim located prior to August 22, 1972, pursuant to the Mining Law of 1872, but not patented.

[42 FR 39387, Aug. 4, 1977]

§ 292.18 Mineral resources.

(a) Occupancy. No unpatented mining claim may be used or occupied, except as otherwise permitted for any purpose other than exploration, mining, or processing operations and uses reasonably incident thereto.

(b) Letter of authorization. A letter of authorization with the posting of an appropriate bond is required prior to conducting operations in the SNRA.

(c) Operating plan. A proposed operating plan must be filed with the Area Ranger prior to conducting any operations and prior to construction, reconstruction, improvement or maintenance of roads and trails, bridges, or other facilities for access within the SNRA; provided, that an operating plan is not required for—

(1) Operations which only involve vehicular travel on existing roads open to public use;

(2) Marking and/or reestablishing claims corners;

(3) Sampling and exploration work which will not cause significant damage to surface resources and will not involve the removal of more than 100 pounds of material for analysis and study, provided the Area Ranger has prior notice of such activities; or

(4) The evaluation and study of existing underground mine workings not involving surface disturbances.

(d) Operating plan—requirements. Each operating plan shall include:
(1) The names and mailing addresses of operators and their agents, along with a statement of ownership and/or authorization under which the operation is to be conducted, and including a copy of the location notice(s), proof of assessment labor, and quit claim deeds if ownership has changed within the assessment year.

(2) A map or sketch showing information sufficient to locate the proposed area of operations on the ground, existing and/or proposed roads or access routes to be used in connection with the operations and the approximate location and size of areas where surface resources will be disturbed.

(3) Information describing the nature of operations proposed and how they will be conducted, the type and standard of existing and proposed roads or access routes, the means of transportation to be used, the period during which the proposed operations will take place, and measures to be taken for protecting the values of the SNRA and reclaiming the lands.

(e) Operating plan—approval. (1) The Area Ranger shall promptly acknowledge receipt of any operating plan to the operator. The Area Ranger shall review the environmental effects and conduct a technical examination of each proposed operating plan.

The technical examination shall identify the resources and the land uses in the area of operations. The Area Ranger shall use the current General Management Plan of the SNRA and the Final Environmental Statement as guides in determining whether the proposed operations may result in substantial impairment of the values of the SNRA. In his review, the Area Ranger may solicit comments from the general public and other government agencies in analysis of environmental effects. In his review, the Area Ranger will consider the compatibility of the proposed operating plan with the Act and the General Management Plan. The Area Ranger may not approve an operating plan for an identical claimed area to more than one operator.

(2) Within 30 working days of receipt of a proposed operating plan, the Area Ranger shall take one of the following actions:

(i) Notify the operator that the operating plan has been approved as submitted; or,

(ii) Notify the operator that the operating plan has been approved as subject to the operator accepting the changes or conditions deemed necessary by the Area Ranger; or,

(iii) Notify the operator that more time is necessary to review the plan because of the need to prepare an environmental impact statement, or conduct a cultural resource survey, or other stated reasons; in such cases, the operator will be notified of the approximate time needed to complete the review; or,

(iv) Notify the operator of an apparent conflict of ownership and that additional proof of ownership is required; or,

(v) Notify the operator that the operating plan as submitted is inadequate to support any conclusion as to substantial impairment, and that additional information will be required; or,

(vi) Notify the operator that the operating plan is not approved since such operations as specified in the plan would create substantial impairment.

(f) Operating plans—suspension, revocation, or modification. The authorized officer may suspend or revoke authorization to operate in whole or in part where such operations are causing substantial impairment which cannot be mitigated. At any time during operations under an approved operating plan, the operator may be required to modify the operating plan to minimize or avoid substantial impairment of the values of the SNRA.

(g) Bond requirements. (1) An operator shall furnish a bond, in the amount determined by the Area Ranger to be appropriate for reclamation of the disturbed surface area, prior to the commencement of operations. In lieu of a bond, the operator may deposit into a Federal depository, as directed by the Forest Service, cash in an amount equal to the required dollar amount of the bond or negotiable securities of the United States having market value at the time of deposit or not less than the required dollar amount of the bond.

(2) When the reclamation of the project, or portions thereof, has been completed, the operator will notify the
Area Ranger who will examine the area
to determine whether the reclamation
is acceptable. When the Area Ranger
has accepted as completed any portion
of the reclamation, he shall reduce pro-
portionately the amount of bond there-
after to be required with respect to the
remaining reclamation. However, the
operator will not be released from li-
ability under the bond for the amount
which may be necessary to revegetate
each planting area for a minimum pe-
riod of at least 5 years after the first
efforts at revegetation if those initial
efforts are unsuccessful.

(3) If the Area Ranger determines
that revegetation is likely to occur be-
fore the expiration of such minimum
period, he may release the operator
from the extended liability under the
bond for revegetation of planting area.

(h) Access. The operator shall permit
free and unrestricted public access to
and through lands included within an
unpatented mining claim for all lawful
and proper purposes. In areas where
such access would unduly interfere
with authorized operations or would
constitute a hazard to public health
and safety, public use may be re-
stricted with prior approval of the Area
Ranger.

[42 FR 39387, Aug. 4, 1977, as amended at 78
FR 33726, June 5, 2013]

Subpart E—Hells Canyon National
Recreation Area—Private Lands

AUTHORITY: 89 Stat. 1117; 16 U.S.C. 460gg–
460gg–13.

SOURCE: 59 FR 30497, June 13, 1994, unless
otherwise noted.

§ 292.20 Purpose and scope.

(a) Purpose. The Act establishing the
Hells Canyon National Recreation Area
(hereafter referred to as HCNRA) (16
U.S.C. 460gg–460gg–13) encourages the
retention of traditional and valid uses
of private land within the HCNRA, such as ranching, grazing, farming,
timber harvesting, and the occupation
of homes and lands associated there-
with, as they existed at the time the
HCNRA was established on December
31, 1975. To this end, the Act directs the
Secretary of Agriculture to promulgate
regulations establishing standards for
the use and development of private
land within the HCNRA and grants the
Secretary limited condemnation au-
thority to address situations where the
standards are not met. The purpose of
this subpart is to establish standards
that would guide the Secretary’s con-
sideration of the use of the limited con-
demnation authority granted by the
Act.

(b) Scope. The regulations in this sub-
part establish standards applicable to
all private property within the bound-
aries of the HCNRA, including that
within the boundaries of the Rapid,
Snake, and Imnaha Wild and Scenic
Rivers and the Hells Canyon Wilder-
ness. The regulations in this subpart do
not operate to restrict the use and de-
velopment of private property; rather,
they serve to inform the landowner of
those uses that are compatible with
purposes for which the HCNRA was es-
tablished. Uses not compatible with
these standards could result in the Sec-
retary acquiring land or interests
therein without a landowner’s consent.

The regulations in this subpart, in
and of themselves, do not effect a tak-
ing of private property, including valid,
existing water rights, nor do the stand-
ards established in this subpart limit
or restrict a private landowner’s prop-
erty use that is compatible with the
purposes of the Act. The Responsible
Official may use the regulations in this
subpart solely to determine whether
private land uses or developments are
compatible with the purposes and di-
rection of the Act and, if not, to deter-
mine whether the Secretary should
consider initiating condemnation pro-
cedings to acquire land or scenic ease-
ments.

§ 292.21 Definitions.

For the purposes of this subpart, the
following terms are defined:

Act refers to the act of December 31,
1975, which established the Hells Can-
yon National Recreation Area (89 Stat.

Archaeological sites are those sites
containing relics, artifacts, and other
evidence of past human cultures in-
cluding historic properties as defined
by the National Historic Preservation
Act.