

NATIONAL GRASSLANDS MANAGEMENT

A PRIMER

Appendix O

APR 25 1973

SUBJECT: Title III, Lands¹
2710 Special Use Permits
1820 Mineral Materials Leasing

TO: John R. McGuire, Chief
Forest Service

This relates to the Acting Deputy Chief's memorandum of March 30, 1973.

We have reviewed P.L. 87-703 (76 Stat. 605, 607) and its legislative history and find that the provision "...but not to build industrial parks or establish private industrial or commercial enterprises" was recommended by the committee of conference of both Houses (Report No. 2385, page 3) and adopted and passed by the Congress. The provision is not defined or discussed in the legislative history and we find nothing to indicate that the provision, or any word therein, is to be given other than its ordinary meaning.

In Title III Lands, there are three types of mineral rights, (1) those owned by third parties at the time the lands were acquired by the United States, (2) those reserved by grantors in conveyances to the United States, and (3) those owned by the United States.

1. The minerals owned by the third parties may be developed under the terms of the grants or reservations under which they are owned, subject to compliance with Federal, State or local laws and regulations. The Secretary of Agriculture's regulations do not apply thereto, unless by agreement the development of the minerals has been subjected to them.
2. The minerals reserved by the owners in conveyances to the United States may be developed under the regulations of the Secretary of Agriculture attached to such conveyances. The development of such minerals must also be in compliance with applicable Federal, State and Local Laws and regulations.
3. The minerals owned by the United States must be developed, if at all, under the terms of the leases or permits granting such right, which presumably would contain provisions adequate to fully protect the environment and be in compliance with applicable Federal Laws and regulations.

We do not find anything in the act or its legislative history to indicate that Congress intended by the language quoted above to prohibit the normal development of Government owned minerals, including such pumping or other facilities as are necessary to their removal. The authority to mine and remove minerals would not encompass the authority to build or establish on the premises

¹ Transcribed from original for legibility.

power plants or other commercial enterprises to consume or utilize the minerals extracted.

Clarence W. Brizoe
for ROBERT G. RUE, Director
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cc:
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