

## Natural and Cultural Resources Management, Part 610 Wilderness Stewardship

### Chapter 2 Wilderness Administration and Resource Stewardship, 610 FW 2

**2.14 May the Service authorize mineral exploration and development activities in wilderness areas?** We authorize, under Part 612 of the Service Manual, mineral exploration and development activities in wilderness areas, recommended wilderness, and proposed wilderness under limited circumstances, as described below. Sections 4(d)(2) and (3) of the Wilderness Act address prospecting, mineral locations, mineral patents, and mineral leasing within national forest wilderness areas. These provisions do not apply to refuge wilderness areas.

**A. Locatable Minerals on Refuge Lands Withdrawn from the Public Domain and Appropriation Under the Mining Laws.** We prohibit prospecting, locating, or filing mining claims on these refuge lands unless otherwise provided by law (50 CFR 27.64). We allow development, extraction, and removal of Federal minerals on valid claims established prior to withdrawal from operation and appropriation under the general mining laws subject to:

- (1) Verification of claim validity and compliance with claim recording and annual maintenance requirements, and
- (2) Reasonable conditions outlined in a special use permit. (See 612 FW 1.)

**B. Leasable Minerals.** Regulations prohibit leasing of oil and gas in wilderness areas, recommended wilderness, and proposed wilderness (43 CFR 3100.0-3). They also prohibit leasing of geothermal resources, coal, and solid minerals in wilderness areas, recommended wilderness, and proposed wilderness (43 CFR 3201.11, 3400.2, and 3503.10). We allow exploration and development of leasable minerals where valid rights existed prior to wilderness recommendation or designation, subject to reasonable conditions outlined in a special use permit.

**C. Common Variety Minerals.** Regulations prohibit the extraction of common variety minerals (such as sand and gravel) in wilderness areas, recommended wilderness, and proposed wilderness.

**D. Reserved or Excepted Mineral Rights on Acquired Refuge Lands.** We allow exploration, development, extraction, and removal of minerals owned or retained by private parties. We will authorize these activities subject to the terms of the instrument by which the private owner acquired their interest or in accordance with the conditions in our deed and subject to reasonable conditions outlined in a special use permit. (See 50 CFR 29.32.)

**E. Special Use Permits for Mining Activities.**

(1) We allow exploration and development associated with a valid, privately owned mineral right through a special use permit or other agreement. The permit or agreement will provide for reasonable access and the protection of refuge resources, including wilderness character, to the fullest extent possible by minimizing disturbance or damage caused by mining activities. Use and physical occupancy must be kept to the minimum necessary for conducting efficient mineral operations.

(2) We require compliance with all applicable Federal, State, and local laws and regulations, including obtaining necessary bonds, permits, and other approvals prior to conducting mineral operations on the refuge. Operators must remove all structures, equipment, and other facilities and initiate reclamation when mining operations are complete. Operators must restore the surface as near as practicable to the condition, appearance, and contour of the surface before mining operations began.

## Natural and Cultural Resources Management, Part 610 Wilderness Stewardship Chapter 5 Special Provisions for Alaska Wilderness, 610 FW 5

**5.11 What special provisions apply to assessment, exploration, and development of mineral resources on Alaska wilderness areas?**

A. Subject to valid mineral rights existing on December 2, 1980, section 304 of ANILCA withdrew all Refuge System lands from all forms of appropriation or disposal under the public land laws, including location, entry, and patent under the mining laws, but not from operation of mineral leasing laws. We only authorize exploration and development of mineral resources on wilderness areas in Alaska under limited circumstances in accordance with 610 FW 2.9 and 2.14: existing private rights or reserved or excepted mineral rights on acquired refuge lands that allow exploration and development of mineral resources. See sections 5.6 and 5.8 for policy on access.

B. Section 1010 of ANILCA requires the Secretary to assess oil, gas, and other mineral potential on all public lands in Alaska, including wilderness areas. The mineral assessment program may include, but is not limited to, techniques such as sidelooking radar imagery and core and test drilling, notwithstanding any restrictions on such drilling under the Wilderness Act. The mineral assessment program does not include exploratory drilling of oil and gas test wells. Section 1010 of ANILCA authorizes access by air for assessment activities. If we allow mineral assessment activities, we will issue a special use permit with conditions to ensure that the activities are compatible with refuge purposes and would not result in lasting environmental impacts that would appreciably alter the natural character or biological or ecological systems in the wilderness area.