

## §9.17

of this part shall be deemed a trespass against the United States, and the penalty provisions of 36 CFR part 1 are inapplicable to this part.

### §9.17 Public inspection of documents.

(a) Upon receipt of the plan of operations the Superintendent shall publish a notice in the FEDERAL REGISTER advising of the availability of the plan for public review.

(b) Any document required to be submitted pursuant to the regulations in this part shall be made available for public inspection at the Office of Superintendent during normal business hours. The availability of such records for inspection shall be governed by the rules and regulations found at 43 CFR part 2.

### §9.18 Surface use and patent restrictions.

(a) The regulations in 43 CFR 3826.2-5 and 3826.2-6, 3826.4-1(g) and 3826.4-1(h), and 3826.5-3 and 3826.5-4 will apply to any claimant who wishes to take his claim to patent in Olympic National Park, Glacier Bay National Monument or Organ Pipe Cactus National Monument.

(b) The additional provisions of 43 CFR subpart 3826 and 36 CFR 7.26 and 7.45(a) will continue to apply to existing permits until 120 days after January 26, 1977, unless extended by the Regional Director. (See §9.10(g)).

[42 FR 4835, Jan. 26, 1977, as amended at 48 FR 30296, June 30, 1983]

## 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.

## 36 CFR Ch. I (7-1-04 Edition)

### §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