

(C) The certified public accountant must have certified to the following:

"I certify that under the penalties and remedies provided in §492 of the Act (16 U.S.C. 620d) and the penalty of perjury provided in the False Statements Act (18 U.S.C. 1001) that the information provided in support of this application is, to the best of my knowledge and belief, a true, accurate, current, and complete statement of [applicant's company's name] National Forest System timber acquisitions originating from within the State of Washington for fiscal years 1988, 1989 and/or 1990."

(D) The certified public accountant's statement and certification must have been on the accountant's company letterhead, must have been notarized, and must have accompanied the applicant's application.

(c) *Selling and trading rights.* The purchase limit right obtained under this rule may be sold, traded, or otherwise exchanged with any other person subject to the following conditions:

(1) Such rights may not be sold, traded, or otherwise exchanged to persons already in possession of such rights:

(2) Any person selling, trading, or exchanging any or all of the rights obtained under this rule shall advise the Regional Forester of the amount being traded and the name(s) of the person(s) acquiring such rights within 15 days of the transaction; and

(3) No person may have or acquire more than 15 million board feet in one fiscal year.

(d) *Information collection.* The application procedures in this section constitute information collection requirements as defined in 5 CFR part 1320. These requirements have been approved by the Office of Management and Budget and assigned clearance number 0596-0114.

(e) *Persons with approved shares.* The application period for shares of the indirect substitution exception for acquiring unprocessed timber originating from National Forest System lands within the State of Washington closed on January 8, 1992. Persons with approved shares are responsible for monitoring and controlling their acquisitions of National Forest System timber originating from within the State of Washington to assure approved share amounts are not exceeded in any Federal fiscal year. Unused portions of an-

nual shares may not be "banked" for use in future fiscal years. The acquisition of such National Forest System timber must be reported to the Forest Service in accordance with §223.193 of this subpart. The following shares are approved as of September 8, 1995:

(1) Cavenham Forest Industries, Portland, OR, 1,048,000 board feet.

(2) Weyerhaeuser, Tacoma, WA, 15,000,000 board feet.

PART 228—MINERALS

Subpart A—Locatable Minerals

- Sec.
- 228.1 Purpose.
- 228.2 Scope.
- 228.3 Definitions.
- 228.4 Plan of operations—notice of intent—requirements.
- 228.5 Plan of operations—approval.
- 228.6 Availability of information to the public.
- 228.7 Inspection, noncompliance.
- 228.8 Requirements for environmental protection.
- 228.9 Maintenance during operations, public safety.
- 228.10 Cessation of operations, removal of structures and equipment.
- 228.11 Prevention and control of fire.
- 228.12 Access.
- 228.13 Bonds.
- 228.14 Appeals.
- 228.15 Operations within National Forest Wilderness.

Subpart B—Leasable Minerals

228.20–228.39 [Reserved]

Subpart C—Disposal of Mineral Materials

- 228.40 Authority.
- 228.41 Scope.
- 228.42 Definitions.
- 228.43 Policy governing disposal.
- 228.44 Disposal on existing Federal leased areas.
- 228.45 Qualifications of applicants.
- 228.46 Application of other laws and regulations.

GENERAL PROVISIONS

- 228.47 General terms and conditions of contracts and permits.
- 228.48 Appraisal and measurement.
- 228.49 Reappraisal.
- 228.50 Production records.
- 228.51 Bonding.
- 228.52 Assignments.
- 228.53 Term.
- 228.54 Single entry sales or permits.

§ 228.1

- 228.55 Cancellation or suspension.
- 228.56 Operating plans.

TYPES AND METHODS OF DISPOSAL

- 228.57 Types of disposal.
- 228.58 Competitive sales.
- 228.59 Negotiated or noncompetitive sales.
- 228.60 Prospecting permits.
- 228.61 Preference right negotiated sales.
- 228.62 Free use.
- 228.63 Removal under terms of a timber sale or other Forest Service contract.
- 228.64 Community sites and common-use areas.
- 228.65 Payment for sales.
- 228.66 Refunds.
- 228.67 Information collection requirements.

Subpart D—Miscellaneous Minerals Provisions

- 228.80 Operations within Misty Fjords and Admiralty Island National Monuments, Alaska.

Subpart E—Oil and Gas Resources

- 228.100 Scope and applicability.
- 228.101 Definitions.

LEASING

- 228.102 Leasing analyses and decisions.
- 228.103 Notice of appeals of decisions.
- 228.104 Consideration of requests to modify, waive, or grant exceptions to lease stipulations.

AUTHORIZATION OF OCCUPANCY WITHIN A LEASEHOLD

- 228.105 Issuance of onshore orders and notices to lessees.
- 228.106 Operator's submission of surface use plan of operations.
- 228.107 Review of surface use plan of operations.
- 228.108 Surface use requirements.
- 228.109 Bonds.
- 228.110 Indemnification.

ADMINISTRATION OF OPERATIONS

- 228.111 Temporary cessation of operations.
- 228.112 Compliance and inspection.
- 228.113 Notice of noncompliance.
- 228.114 Material noncompliance proceedings.
- 228.115 Additional notice of decisions.
- 228.116 Information collection requirements.

AUTHORITY: 30 Stat. 35 and 36, as amended (16 U.S.C. 478, 551); 41 Stat. 437, as amended, sec. 5102(d), 101 Stat. 1330-256 (30 U.S.C. 226); 61 Stat. 681, as amended (30 U.S.C. 601); 61 Stat. 914, as amended (30 U.S.C. 352); 69 Stat. 368, as amended (30 U.S.C. 611); and 94 Stat. 2400.

36 CFR Ch. II (7-1-07 Edition)

SOURCE: 39 FR 31317, Aug. 28, 1974, unless otherwise noted. Redesignated at 46 FR 36142, July 14, 1981.

Subpart A—Locatable Minerals

§ 228.1 Purpose.

It is the purpose of these regulations to set forth rules and procedures through which use of the surface of National Forest System lands in connection with operations authorized by the United States mining laws (30 U.S.C. 21-54), which confer a statutory right to enter upon the public lands to search for minerals, shall be conducted so as to minimize adverse environmental impacts on National Forest System surface resources. It is not the purpose of these regulations to provide for the management of mineral resources; the responsibility for managing such resources is in the Secretary of the Interior.

§ 228.2 Scope.

These regulations apply to operations hereafter conducted under the United States mining laws of May 10, 1872, as amended (30 U.S.C. 22 *et seq.*), as they affect surface resources on all National Forest System lands under the jurisdiction of the Secretary of Agriculture to which such laws are applicable: *Provided, however,* That any area of National Forest lands covered by a special Act of Congress (16 U.S.C. 482a-482q) is subject to the provisions of this part and the provisions of the special act, and in the case of conflict the provisions of the special act shall apply.

§ 228.3 Definitions.

For the purposes of this part the following terms, respectively, shall mean:

(a) *Operations.* All functions, work, and activities in connection with prospecting, exploration, development, mining or processing of mineral resources and all uses reasonably incident thereto, including roads and other means of access on lands subject to the regulations in this part, regardless of whether said operations take place on or off mining claims.

(b) *Operator.* A person conducting or proposing to conduct operations.