



FSM 2800 – MINERALS AND GEOLOGY

CHAPTER 50 – MINERAL MATERIAL

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New Document(s):	2850	6 Pages
Superseded Document(s): (Last supplement was 2800-93-2, to Chapter 50.)	2800-93-2	5 Pages

Digest: Insert digest information here

2850	Reissues entire supplement using the MSWord template without any change in direction.
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**FSM 2800 – MINERALS AND GEOLOGY
CHAPTER 50 – MINERAL MATERIALS****2850 - MINERAL MATERIALS****2850.2 - Objective**

To manage mineral materials to best meet demand, as consistent with multiple use principle for surface resources.

2850.3 - Policy

Ensure that:

1. Disposal of Federal mineral materials does not unfairly compete with private producers.
2. Appraisals are done by a qualified mineral or land appraiser.
3. Stipulations in permits, contracts or other disposal authorization include those needed to require adequate management of the mineral material resource.
4. Operating plan approval for extraction of more than 5000 cubic yards (or weight equivalent) is based upon sufficient subsurface data to clearly demonstrate that the site contains the needed quantity and quality of material.

2850.42 - Regional Forester

Reviews National Forest activities to ensure compliance with objectives (FSM 2850.2) and policies (FSM 2850.3).

2850.43 - Authorized Officers

1. Forest Supervisor shall:
 - (1) Develop and implement Forest-wide strategies for management of materials.
 - (2) Appraise mineral materials.
 - (3) Make annual production report to Regional Forester showing kind, amount and value of material produced.
 - (4) Issue permits and contracts for mineral materials for amounts exceeding 15,000 cubic yards.
 - (5) Verify valuable discoveries made under preference right permits.
 - (6) Establish bond requirements and release bonds for permits and contracts exceeding 15,000 cubic yards, and

**FSM 2800 – MINERALS AND GEOLOGY
CHAPTER 50 – MINERAL MATERIALS**

(7) Assure that all disposal authorizations include provisions that assure efficient removal and conservation of mineral materials.

These seven responsibilities may be re-delegated only under special Regional Forester authorization. Forest Supervisor is also responsible for NEPA compliance and assuring compliance with terms and conditions of the disposal authorizations. These responsibilities may be delegated to the District Ranger.

2. District Ranger is responsible for operations under 15,000 cubic yards including monitoring operations, assuring compliance with both general and soecific plans, and for handling permits, contracts, and bonds.

2851 - SALES

2851.1 - Contract forms.

Authorized officers shall assure that contract terms and conditions, including any special stipulation, are prudent and necessary for adequate management. Special provisions shall be written in such a way that they:

1. Are of such scope and nature that a prudent person would be justified in suspending or revoking the instrument for noncompliance.
2. Exclude items commonly incorporated into operating plans.
3. Clearly define operator responsibility.
4. Are consistent with prudent operational capabilities and practices customarily applied in similar circumstances.

The contract shall state that all unused, processed materials remaining onsite beyond instrument term will become Federal property, except where special provisions are made for storage (see FSH 2752.2). Contracts shall also state that no rights granted may be exercised except according to an operating plan approved by the authorized officer.

2851.2 - Prospecting Permit

Form FS-2700-3 shall be modified by changing title to read "MINERAL MATERIAL PROSPECTING PERMIT (Ref. FSM 2851, 36 CFR 228.60)" deleting form number on lower right side of front page.

**FSM 2800 – MINERALS AND GEOLOGY
CHAPTER 50 – MINERAL MATERIALS**

2851.3 - Preference Right Negotiated Sale

Term of contract, plus any extension, may not exceed 5 years. This maximum time limit applies also to non-competitive sales. Negotiated and non-competitive sales should not be assigned. No more than 320 acres may be held by any group or individual on any National Forest.

2852 - FREE USE

Free use should be granted only to individuals, agencies or organizations, consistent with 36 CFR 228.62, that have no policy of charging Forest Service for mineral materials. This can be excepted in cases with clear evidence to show that use of USA materials will directly benefit Federal Government. Ranger has full discretion to modify disposal procedures for quantities of 100 cubic yards or less to any applicant for any 12 consecutive months.

Form FS-2700-3 shall be modified by changing the title to read "MINERAL MATERIAL FREE USE PERMIT (Ref. FSM 2852, 36 CFR 228.62)" and deleting form number on lower right of front page.

2853 - IN-SERVICE USE

2853.1 - Inventory and Planning

Forest Supervisor shall develop a general Forest-wide management strategy for management of mineral materials, including consideration of the following items. Strategy shall be based upon initial projected demand for the next 20 years. If not developed in the Forest Planning Process, the strategy must be consistent with the Forest Plan standards and guidelines. Consider mineral management strategies in the IRM process.

1. Amount, location, kind, quality, and demand for potentially available materials.
2. General strategies, by Ranger District or its subdivision, regarding whether to use centralized pits with relatively large extraction sites or many small, scattered sites.
3. Areas where free use and/or sale will be denied because in-service demand cannot be met.
4. Areas where unique provisions will be needed to assure adequate conservation of material resources.

The strategy should document other appropriate general guidance including consideration of items such as,

- (a) post mining use of the land,
- (b) criteria for efficient material utilization, including general contract stipulations,

**FSM 2800 – MINERALS AND GEOLOGY
CHAPTER 50 – MINERAL MATERIALS**

(c) alternative sources in areas of short supply, and

(d) appraisal systems.

2853.21 - Development Plan

Development plans shall be consistent with general strategies developed under FSM 2853.2 and shall include specific provisions to assure material resources are well managed. Plan shall be coordinated with other discipline to ensure adequate consideration of cultural and renewable surface resources.

2853.22 - Operating Plan See FSH 2855

2853.23 - Monitoring

Provide inspections and reviews, under all aspects of Chap. 2850, to determine how well the material resource is being managed. The Forest Supervisor shall establish standards to judge the work being done. Standards should include:

1. Interdisciplinary coordination
2. Compliance with plans
3. Adequacy of inventory
4. Adequacy of supply/demand analysis
5. Site administration, especially
 - a. Excessive waste and high grading
 - b. Unusual cost increases
 - c. Reclamation
6. Adequacy of land availability for conducting inventory
7. Forest Service influence on local markets
8. Feasibility of purchase from out-service sources.

Review plans shall include frequency for making reviews and a clear explanation of how to detect an unacceptable deviation from established standards. Forest Supervisor shall decide means for problem resolution.

**FSM 2800 – MINERALS AND GEOLOGY
CHAPTER 50 – MINERAL MATERIALS**

2854 - COMMUNITY SITES AND COMMON-USE AREAS.

2854.1 - Purpose

Establishment of community sites and common-use areas will be done only for areas where there is reasonable certainty that there will never be any demand for commercial use.

2855 - OPERATING PLANS.

Plans should include, but are not limited to, excavating dates/procedures, equipment types, waste storage areas, reclamation procedures, and special provisions for responding to contract terms or pit development plans.

Operator shall submit plan to authorized officer and extract materials only after approval. See FSM 2730 for authorization to use Forest Development Roads.

Failure to operate according to the approved plan can be considered as a breach of agreement and operations suspended (see 36 CFR 228.55). In event of issuance of a revocation order, send copies of the order, the contract or the permit, and operating plan to the Regional Forester. State in a cover letter the nature and extent of noncompliance and explain the efforts made to obtain compliance.

2856 - APPRAISALS

2856.1 - Requirements

Do not use fee schedules for the disposal of mineral materials.

2859 - REPORTING

Maintain records for excavated material utilized as a material resource (by District, material type, quantity, and value) for each fiscal year.