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accordance with NPS general regulations in 36 CFR 2.62 and applicable state laws. Authorization to scatter ashes must take into account potential conflicts with the spiritual or cultural practices of the indigenous people associated with the area.

(See Stewardship of Human Remains and Burials 5.3.4; Cultural Resources 6.3.8, Consultation 7.5.6)

8.6.11 Other Special Park Uses

Other special park uses that may be allowed under permit or special regulations include the use of explosives and the use of portable power equipment. Specific guidance is provided in 36 CFR Part 2; Director's Order #53: Special Park Uses; and Reference Manual 53.

8.7 Mineral Exploration and Development

Mineral exploration and development include exploration, extraction, production, storage, and transportation of minerals. Mineral exploration or development may be allowed in parks only when prospective operators demonstrate that they hold rights to valid mining claims, federal mineral leases, or nonfederally owned minerals. If this right is not clearly demonstrated, the National Park Service will inform the prospective operator that, until proof of a property right is documented, the Service will not further consider the proposed activity. Unless otherwise directed by Congress, if the Service determines that the proposed mineral development would impair park resources or values, or that such development is not consistent with park purposes or does not meet approval standards under applicable NPS regulations and cannot be sufficiently modified to meet those standards, the Service will seek to extinguish the associated mineral right through acquisition. In some parks, all or certain types of mineral development are specifically prohibited by law.

All persons who conduct mineral development within parks will do so only in conformance with applicable statutes, regulations, and NPS policies. These statutes include the Mining in the Parks Act, the Mineral Leasing Act, the Acquired Lands Mineral Leasing Act, the Surface Mining Control and Reclamation Act of 1977, the National Park System General Authorities Act, the Alaska National Interest Lands Conservation Act, and enabling statutes for individual parks. Applicable regulations include 36 CFR Part 9, Subpart A and Subpart B; 43 CFR Parts 3100-3500; and special use regulations.

Persons may not use or occupy surface lands in a park for purposes of removing minerals outside the park unless provided for in law. General management plans, land protection plans, and other planning documents for parks with mining claims, federal mineral leases, or nonfederally owned mineral interests will address these nonfederal property interests as appropriate. Lands with mineral interests will be zoned according to their anticipated management and use—based on their resource values, park management objectives, and park-specific legislative provisions relating to mineral interests.

(See Levels of Park Planning 2.3; Land Protection Plans 3.3; Identification and Designation of the Wilderness Resource 6.2; Mineral Development 6.4.9)

8.7.1 Mining Claims

The location of new mining claims pursuant to the General Mining Act of 1872 is prohibited in all park areas. Under the Mining in the Parks Act, the National Park Service may permit mineral development only on existing patented and valid unpatented mining claims in conformance with the park's enabling legislation and the regulations for mining claims in 36 CFR Part 9, Subpart A. The Service may initiate a validity examination on unpatented mining claims at any time. The Service will require a validity examination of all unpatented mining claims before approving any operations on such claims in accordance with 36 CFR Part 9, Subpart A. However, a validity examination is not required before NPS authorization of activities that are conducted only to reclaim a site. All mineral development and use of resources in connection with a claim will be confined to the boundaries of the claim itself, except for the access and transport that are permitted under 36 CFR Part 9, Subpart A; or, for Alaska, 43 CFR Part 36.

8.7.2 Federal Mineral Leases

All parks are closed to new federal mineral leasing except for three national recreation areas (Lake Mead, Whiskeytown, and Glen Canyon) where Congress has explicitly authorized federal mineral leasing in each area's enabling legislation. Through park planning documents, the National Park Service has closed portions of these areas to federal mineral leasing because of the presence of sensitive resources. No person may explore for federal minerals in any of these areas except under a lease issued pursuant to regulations in 43 CFR Part 3100 or a prospecting permit pursuant to 43 CFR 3500. Before consenting to a federal mineral lease or subsequent mineral development connected with a lease, the regional director must find, in writing, that leasing and subsequent mineral development will not result in a significant adverse effect on park resources or administration.

Some park areas contain leases that existed at the time the park was created or expanded. These leases are valid existing rights and will continue to exist until they expire under the regulations that govern federal mineral leasing (43 CFR Parts 3100 and 3500).

8.7.3 Nonfederally Owned Minerals

Nonfederal mineral interests in park units consist of oil and gas interests, rights to mineral interests other than oil and gas (such as private outstanding mineral rights, mineral rights through general land grant patents, homestead patents, or other private mineral rights that did not derive from the General Mining Act). The Park Service governs activities associated with these two categories of nonfederal mineral rights under separate regulatory schemes.

The Park Service may approve operations associated with nonfederal oil and gas interests under the standards and procedures in 36 CFR Part 9, Subpart B. If an operator's plan

fails to meet the approved standards of these regulations, the Park Service generally has authority to deny the operation and may initiate acquisition. Absent a decision to acquire the property, application of the regulations is not intended to result in a taking of the property interest, but rather to impose reasonable regulation of the activity.

Operations associated with nonfederal mineral interests, other than oil and gas, are subject to the requirements of 36 CFR Part 5, "Commercial and Private Operations," and 36 CFR 1.6.

The Service must determine that operations associated with these mineral interests would not adversely impact "public health and safety, environmental or scenic values, natural or cultural resources, scientific research, implementation or management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities …." If the impacts from the operation on the resource cannot be sufficiently mitigated to meet this standard, the Park Service may seek to acquire the mineral interest.

8.8 Collecting Natural Products

The collection of natural products for personal use or consumption is governed by NPS general regulations contained in 36 CFR 2.1 and 36 CFR Part 13. A superintendent may designate certain fruits, berries, nuts, or unoccupied seashells that can be gathered by hand for personal use or consumption upon a written determination by the superintendent that such an activity will not adversely affect park wildlife or the reproductive potential of a plant species or otherwise adversely affect park resources. In some cases, peer-reviewed scientific information may be needed to support the determination. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights or where hunting, trapping, or fishing are otherwise allowed. The collection of minerals or rocks for personal use will be allowed only when specifically authorized by federal law or treaty rights.

The gathering of firewood will be allowed only where subsistence use is authorized by federal law, or in specific areas designated by a superintendent in which dead and down wood may be collected for campfires or in small quantities for other uses within the park. Natural resource products that accumulate as a result of site clearing for development, hazard tree removal, vista clearing, or other management actions will be recycled through the ecosystem when practicable. When recycling is not practicable, the products may be disposed of by other means. Disposal may be accomplished by contract, if the result of the work done under contract and the value are calculated in the contract cost, or by sale at fair market value in accordance with applicable laws and regulations. Wood that accumulates as a result of the management actions described above may also be used for park purposes, such as heating public buildings or offices or for interpretive campfire programs.

(See Consumptive Uses 8.9, Natural and Cultural Studies, Research, and Collection Activities 8.10. Also see Director's Order #18: Wildland Fire Management)

8.9 Consumptive Uses

Consumptive uses of park resources may be allowed only when they are

- specifically authorized by federal law or treaty rights (such as hunting, trapping, or mining, or subsistence use in specifically identified parks);
- specifically authorized pursuant to other existing rights (such as a right retained by a donor of the land on which the use would occur);
- grazing activities authorized in accordance with section 8.6.8.1; or
- traditional visitor activities, such as fishing or berry picking, that are authorized in accordance with NPS general regulations.

As a matter of policy, the Service generally supports the limited and controlled consumption of natural resources for traditional religious and ceremonial purposes and is moving toward a goal of greater access and accommodation. As a general matter, a superintendent may not allow consumptive use of park resources by any particular group to the exclusion of others.

Current NPS policy is reflected in regulations published at 36 CFR Part 13. The general regulations at 36 CFR 2.1 allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells that may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights or where hunting, trapping, or fishing are otherwise allowed.

The 36 CFR Part 13 regulations address the consumptive use of park resources for subsistence purposes in Alaska, where it is allowed in the 10 parks and "expanded areas" established by the Alaska National Interest Lands Conservation Act. Some park-specific enabling acts (e.g., Big Cypress National Preserve and Kaloko-Honokohau National Historical Park) also allow subsistence or other traditional uses of park resources.

(See Park Management 1.4; Harvest of Plants and Animals by the Public 4.4.3; Resource Issue Interpretation and Education 7.5.3; General 8.; Use by American Indians and Other Traditionally Associated Groups 8.5. Also see 36 CFR Part 13, Subpart B)