

## Forest Service, USDA

## § 251.9

- 251.10 Prohibition of location of mining claims within certain areas in the Norbeck Wildlife Preserve, South Dakota.
- 251.11 Governing mining locations under the mining laws of the United States within that portion of the Black Hills National Forest, State of South Dakota, designated as the Norbeck Wildlife Preserve.
- 251.14 Conditions, rules, and regulations to govern exercise of timber rights reserved in conveyance to the United States.
- 251.15 Conditions, rules, and regulations to govern exercise of mineral rights reserved in conveyances to the United States.
- 251.87 Levels of appeal.
- 251.88 Filing procedures.
- 251.89 Time extensions.
- 251.90 Content of notice of appeal.
- 251.91 Stays.
- 251.92 Dismissal.
- 251.93 Resolution of issues.
- 251.94 Responsive statement.
- 251.95 Authority of Reviewing Officer.
- 251.96 Intervention.
- 251.97 Oral presentation.
- 251.98 Appeal record.
- 251.99 Appeal decision.
- 251.100 Discretionary review.
- 251.101 Policy in event of judicial proceedings.
- 251.102 Applicability and effective date.

### RIGHTS OF GRANTORS

- 251.17 Grantor's right to occupy and use lands conveyed to the United States.
- 251.18 Rights-of-way reserved by the grantor on lands conveyed to the United States.
- 251.19 Exercise of water rights reserved by the grantor of lands conveyed to the United States.

### DESIGNATION OF AREAS

- 251.23 Experimental areas and research natural areas.

### PETERSBURG WATERSHED

- 251.35 Petersburg watershed.

### Subpart B—Special Uses

- 251.50 Scope.
- 251.51 Definitions.
- 251.52 Delegation of authority.
- 251.53 Authorities.
- 251.54 Proposal and application requirements and procedures.
- 251.55 Nature of interest.
- 251.56 Terms and conditions.
- 251.57 Rental fees.
- 251.58 Cost recovery.
- 251.59 Transfer of authorized improvements.
- 251.60 Termination, revocation, and suspension.
- 251.61 Modifications.
- 251.62 Acceptance.
- 251.63 Reciprocity.
- 251.64 Renewals.
- 251.65 Information collection requirements.

### Subpart C—Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands

- 251.80 Purpose and scope.
- 251.81 Definitions and terminology.
- 251.82 Appealable decisions.
- 251.83 Decisions not appealable.
- 251.84 Obtaining notice.
- 251.85 Election of appeal process.
- 251.86 Parties.

### Subpart D—Access to Non-Federal Lands

- 251.110 Scope and application.
- 251.111 Definitions.
- 251.112 Application requirements.
- 251.113 Instrument of authorization.
- 251.114 Criteria, terms, and conditions.

### Subpart E—Revenue-Producing Visitor Services in Alaska

- 251.120 Applicability and scope.
- 251.121 Definitions.
- 251.122 Historical operator special use authorizations.
- 251.123 Most directly affected Native Corporation determination.
- 251.124 Preferred operator competitive special use authorization procedures.
- 251.125 Preferred operator privileges and limitations.
- 251.126 Appeals.

AUTHORITY: 16 U.S.C. 472, 479b, 551, 1134, 3210, 6201-13; 30 U.S.C. 1740, 1761-1771.

### Subpart A—Miscellaneous Land Uses

AUTHORITY: 7 U.S.C. 1011; 16 U.S.C. 518, 551, 678a; Pub. L. 76-867, 54 Stat. 1197.

### NATURAL RESOURCES CONTROL

### § 251.9 Management of Municipal Watersheds.

(a) The Forest Service shall manage National Forest watersheds that supply municipal water under multiple use prescriptions in forest plans (36 CFR part 219). When a municipality desires protective actions or restrictions of use not specified in the forest plan, within agreements, and/or special use authorizations, the municipality must apply to the Forest Service for consideration of these needs.

## § 251.10

(b) When deemed appropriate by the Regional Forester, requested restrictions and/or requirements shall be incorporated in the forest plan without written agreements. Written agreements with municipalities to assure protection of water supplies are appropriate when requested by the municipality and deemed necessary by the Regional Forester. A special use authorization may be needed to effect these agreements.

(c) In preparing any municipal watershed agreement for approval by the Regional Forester or issuing special use authorization to protect municipal water supplies, the authorized forest officer shall specify the types of uses, if any, to be restricted; the nature and extent of any restrictions; any special land management protective measures and/or any necessary standards and guidelines needed to protect water quality or quantity; and any resources that are to be provided by the municipality.

(d) A special use authorization (36 CFR 251.54) is required if the municipality is to use the subject lands, restrict public access, or control resource uses within the watershed. Special use authorizations issued pursuant to this section are subject to the same fee waivers, conditions, and procedures applicable to all other special uses as set forth in subpart B of this part.

(e) Any municipal watershed management agreements, special use authorizations, requirements, and/or restrictions shall be consistent with forest plans, or amendments and revisions thereto.

[53 FR 27685, July 22, 1988]

### **§ 251.10 Prohibition of location of mining claims within certain areas in the Norbeck Wildlife Preserve, South Dakota.**

The location of mining claims in such areas within 660 feet of any Federal, State or county road and within such other areas where the location of mining claims would not be in the public interest, as may be designated by the Chief, Forest Service, or the Regional Forester, of Forest Service Region 2, is hereby prohibited. The Director, Bureau of Land Management, Department of the Interior, shall be ad-

## 36 CFR Ch. II (7-1-10 Edition)

vised of the areas so designated and notices of the boundaries of such areas posted at conspicuous places in the Preserve, as well as at the county courthouses in Pennington in the cities of Custer and Rapid City, and Custer Counties and the post offices State of South Dakota.

[13 FR 3676, July 1, 1948, as amended at 48 FR 31854, July 12, 1983]

### **§ 251.11 Governing mining locations under the mining laws of the United States within that portion of the Black Hills National Forest, State of South Dakota, designated as the Norbeck Wildlife Preserve.**

(a) Whoever locates a mining claim within the Norbeck Wildlife Preserve must, within 10 days after posting the location notice upon such claim, file a true copy of such location notice with the Forest Supervisor of the Black Hills National Forest at Custer, South Dakota, and further, within 10 days after said location notice is filed for record pursuant to the State laws of South Dakota, a true copy of the recorded location certificate must be filed with said Forest Supervisor.

(b) All mining locators shall in all developments and operations make all reasonable provisions for the disposal of tailings, dumpage, and other deleterious materials or substances in such manner as to prevent obstruction, pollution, or deterioration of the land, streams, ponds, lakes, or springs, as may be directed by the Forest Supervisor.

(c) All slash resulting from cutting or destruction of forest growth incident and necessary to mining operations must be disposed of as directed by the Forest Supervisor.

(d) The cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the marking rules and timber sale practices applicable to the Black Hills National Forest, and such cutting and removal of timber shall be as directed by the Forest Supervisor.

(e) No use of the surface of a mining claim or the resources therefrom not