



Lori Maughan Chair
Jamie Harvey Vice-Chair
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Mack McDonald Administrator

April 7, 2026

USDA-Forest Service
Sidney Yates Building
1400 Independence Avenue SW
1SE-Mailstop Code: 1124
Attn: Director-LMG Staff
Washington, DC 20250

Re: Comments on Proposed Locatable Minerals Rule

Dear Sir:

As a county with significant mineral resources which have been major contributors to county revenue and employment, San Juan County submits these comments on the proposed rule.

We recognize and support the need for improved efficiency and transparency of agency processing of proposed mining operations consistent with minimizing adverse impacts to the environment to the extent practicable. The proposed rule attempts to do that but still leaves us with concerns.

We are concerned that the proposed rule may impact small mining operations with increased complexity and cost in filing and operational requirements. Such requirements as 1) describing compliance with surface resource protection measures and operating standards and Federal and State laws, 2) describing how operations will minimize adverse impacts on surface resources and 3) shifting responsibility for Endangered Species Act compliance including ESA consultation will likely increase costs and create burdensome requisites unfamiliar or unavailable to small operators.

Such proposed changes may hinder mining exploration and development and be contrary to guidance from the national administration. If the proposed rule is approved, an easily understood application form with examples and other help could facilitate documentation requirements.

Certain specific parts of the proposed rule need additions or clarifications such as the following.

228.3 Definitions.

The term “small” hand tools is not defined which could lead to misunderstanding. We recommend either defining the term or use the term “hand tools” so “small” or “large” hand tools would need no definition.

228.3(k) Operations.

“...Operations also include all uses reasonably incident to the operations,...” This section could be improved by adding cross reference to 228.9 Reasonably Incident Uses to add clarity and understanding to this phrase.

228.4(a)Limited Operations(2)(I)Use of small non-motorized hand tools

This regulation would prohibit the use of gas-powered chainsaws and battery-operated tools which should be allowed in limited operations. Please delete the words “small non-motorized.”

228.15 Procedures for operations involving possible mineral materials.

A time limit for agency completion of a mineral classification report would be useful to prevent undue delays in making a decision on a Plan of Operation or Operating Notice. A 60 day period is suggested.

Other specific changes to the proposed rule have been noted by other commenters with experience in filing notices and plans. We support these specific changes recommended by others and urge you to fully consider these suggestions.

We support the intent to have the proposed regulations conform with BLM regulations and urge the agency to develop conformity wherever feasible.

Lastly, we are concerned about the Forest Service’s limited staff’s ability to process applications to be submitted under the proposed rule. Last year’s reductions to the Forest Service workforce will likely hinder the agency’s capability to process applications in the specific time frames specified in the rule or in a timely manner. This will result in unnecessary delays to mining operators and be inconsistent with the Administration’s policy for expedited mineral exploration and production.

We appreciate this opportunity to comment on the proposed rule and the intent to improve clarity and efficiency in the locatable minerals program.

Sincerely,

Lori Maughan
Commission Chair