

**Frequently Asked Questions  
On  
Outstanding and Reserved Mineral Rights  
Beneath Monongahela National Forest System Lands**

Beneath approximately 62% of National Forest System land that comprises the Monongahela National Forest, the minerals are federally owned. Privately owned mineral rights, which are classified as being either outstanding or reserved, underlie approximately 38% of Monongahela National Forest System land.

Below is some information about managing privately owned mineral right development on the Monongahela National Forest.

**What are Outstanding and Reserved mineral rights?**

**Outstanding** mineral rights are owned by a party other than the surface owner at the time the surface was conveyed to the United States.

**Reserved** mineral rights are those rights held by the surface owner at the time the surface was conveyed to the United States. Holders of reserved mineral rights are required to follow the rules and regulations included in the deed transferring the surface to the United States should they choose to exercise these reserved mineral rights.

**How are these rights managed on the Monongahela National Forest?**

All mineral exploration and development activities, be they outstanding or reserved, are carefully managed to achieve the highest resource protection possible while ensuring reasonable access to the mineral owner or developer.

In the event of Outstanding or Reserved mineral rights, Forest Service staff work in concert with the owner/developer, and the West Virginia Division Environmental Protection throughout the exploration, development, and extraction processes.

The owner or developer is responsible for providing proof of the right to conduct the mineral operations proposed, and submitting an operating plan for Forest Service review at least 60 days in advance of commencing planned operations. The operating plan addresses, among other things, reclamation or restoration of land impacted by the planned operation.

The Forest Service ensures the resources are protected by determining whether or not the operation:

- plans to use only so much of the surface as is prudently necessary;
- is consistent with rights granted when the minerals were separated from the surface estate in the mineral severance deed; and
- is consistent with the Monongahela National Forest Land and Resource Management Plan.

### **Can the Forest Service purchase these privately owned mineral rights?**

The Forest Service can purchase mineral rights if mineral rights become available for sale, they have appropriated funds for the purchase, and the purchase would meet specific resource objectives.

### **What is the process used for outstanding and reserved rights to be developed on National Forest lands?**

When owners intend to develop their mineral estate, they provide the Forest Service with an operating plan. Forest Service staff and specialists review this operating plan for consistency with the Monongahela National Forest Land and Resource Management Plan, along with conducting an environmental analysis of the proposed operation.

The results of the Forest Service review and environmental analysis are used to work with the operator in identifying measures or practices they could adopt to allow the operation to be consistent with the Forest Plan or otherwise lessen environmental effects of their operation on National Forest resources.

Private mineral owners or operators must obtain any and all necessary State-issued permits that are required for their operation. The Forest Service works in concert with State offices issuing permits to ensure that the proposed operation meets State requirements and national forest resources are reasonably protected.

### **How are the impacts to the Forest managed?**

Minerals development can result in a variety of impacts to the natural resource. Together, the private mineral developer, the Forest Service, and the State of West Virginia work to address items like:

Water quality in nearby streams

Sedimentation from earthwork associated with mineral development, such as access road construction or mineral extraction site development

Disruption of nesting or breeding wildlife

Removal of trees to create the mineral development site

The impacts are managed by using the terms found in the mineral severance deed that provide surface owner controls, by State law and regulation, and through negotiation with the mineral operator to achieve desired resource protections. Experience has shown that most operators are willing to adhere to standards and guidelines found in the Monongahela National Forest Land and Resource Management Plan provided that it does not interfere with reasonable access to explore for, develop, and produce their mineral estate.