



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20350

SECNAVINST 11011.48  
NAVFAC 20R  
6 July 1984

SECNAV INSTRUCTION 11011.48

From: Secretary of the Navy

Subj: Mineral Exploration and Extraction on Department of the Navy Lands

Encl: (1) DOD Directive 4700.3 of 28 September 1983  
(2) Memorandum of Understanding between the Department of Defense and the Department of the Interior

1. Purpose. To transmit enclosures (1) and (2), which establishes policy, assigns responsibilities, and provides procedures for making Department of Defense lands available for mineral exploration and extraction, for information, compliance, and implementation.

2. Policy. Department of the Navy (DON) land shall be made available for mineral exploration and extraction to the maximum extent possible consistent with military operations and national defense activities.

3. Discussion. The Navy may issue a permit for seismic or other geophysical testing; however, exploration for, or extraction of minerals on DON lands is done under lease issued by the Department of the Interior (DOI). After the lease is executed, the lessee will submit a plan of operation to the DOI, which then will consult with the activity to obtain approval of the plan. Enclosures (1) and (2) explain the relationship between Navy and the DOI. If the activity recommends disapproval of a lease or exclusion of parcels from the lease, the reasons shall be fully justified. Approval of a lease for exploration usually implies consent, ultimately, to allow extraction. Accordingly, approval shall clearly indicate the conditions, if known, under which further exploration or extraction will be allowed.

4. Responsibilities

a. Under the Assistant Secretary of the Navy (Shipbuilding and Logistics), the Director, Installations and Facilities, shall:

(1) Approve or disapprove all mineral lease requests involving DON lands.

(2) Review and approve or disapprove requests for permits for seismic or other geophysical testing on DON lands disapproved by the Officer in Command of the activity concerned and forwarded pursuant to paragraph 4b.

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b. The Officer in Command of the activity concerned (hereinafter referred to as the Commanding Officer) under the direction of the major claimant and the Chief of Naval Operations, or the Commandant of the Marine Corps for Marine Corps property, shall:

(1) Approve requests for permits for seismic and other geophysical testing on DON lands or forward recommendations for disapproval to the Director, Installations and Facilities, via the chain of command for a final determination.

(2) Negotiate and approve plans of operation for mineral exploration and extraction involving DON lands.

c. Under the direction of the Chief of Naval Material, the Commander, Naval Facilities Engineering Command shall:

(1) Provide technical assistance in the review of requests for permits, leases and plans of operation for mineral testing, exploration, and extraction.

(2) Issue approved permits for seismic and other geophysical tests on DON lands, or refer such permit requests to the DOI for issuance when appropriate.

(3) Coordinate all mineral testing, exploration and extraction proposals involving DON land with the DOI.

## 5. Procedures

a. Permits. Upon receipt of a request for mineral exploration, the Commanding Officer shall:

(1) Review the request and determine whether and under what conditions it may be allowed.

(2) Coordinate as appropriate with the chain of command including the major claimant and the Commandant of the Marine Corps for Marine Corps property.

(3) Forward requests which cannot be approved together with comments and recommendations to the Director, Installations and Facilities, via the chain of command as described in Section 3 of the Catalog of Naval Shore Activities and: (1) the Commander, Naval Facilities Engineering Command, (2) the Chief of Naval Operations or the Commandant of the Marine Corps for Marine Corps property.

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(4) Upon a final determination, forward the request to the appropriate Engineering Field Division of the Naval Facilities Engineering Command for appropriate action.

b. Leases. Upon receipt of a lease request, the Commanding Officer shall review it and forward comments and recommendations to the Director, Installations and Facilities via the chain of command as described in section 3 of the Catalog of Naval Shore Activities and: (1) the Commander, Naval Facilities Engineering Command, (2) the Chief of Naval Operations or the Commandant of the Marine Corps for Marine Corps property. Upon a final determination by the Director, Installations and Facilities, the appropriate Engineering Field Division of the Naval Facilities Engineering Command shall respond to the DOI in accordance with enclosures (1) and (2).

c. Plans of Operation. Upon receipt of a plan of operation for leasing, the Commanding Officer shall:

(1) Review the plan, determine if it is acceptable and include additional terms and conditions, if required.

(2) Coordinate as appropriate with the chain of command including the major claimant or the Commandant of the Marine Corps for Marine Corps property.

(3) Forward the plan of operation together with comments to the appropriate Engineering Field Division of the Naval Facilities Engineering Command for referral to the DOI in accordance with enclosures (1) and (2).

6. Implementation The Commander, Naval Facilities Engineering Command, under the direction of the Chief of Naval Operations and the Chief of Naval Material, and in coordination with the Commandant of the Marine Corps, shall:

a. Issue appropriate implementing instructions to prescribe procedures to insure compliance with this Instruction. Copies of each implementing instruction shall be provided to the Director, Installations and Facilities, the Chief of Naval Operations, the Commandant of the Marine Corps and the Chief of Naval Material.

b. Formulate a system for maintaining records of land status to assist the DOI in mineral leasing.

  
James F. Goodrich  
Under Secretary of the Navy

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September 28, 1983

NUMBER 4700.3



## Department of Defense Directive

ASD(MRA&amp;L)

SUBJECT: Mineral Exploration and Extraction on DoD Lands

- References:
- (a) Title 30, United States Code, Section 21a, "Mining and Minerals Policy Act of 1970"
  - (b) Title 30, United States Code, Section 1601 et seq., "National Materials and Mineral Policy, Research and Development Act of 1980"
  - (c) DoD Directive 4700.1, "Natural Resources -- Conservation and Management," November 6, 1978
  - (d) Title 30, United States Code, Section 351 et seq., "Mineral Leasing Act for Acquired Lands"
  - (e) Title 30, United States Code, Section 181 et seq., "Mineral Lands Leasing Act"
  - (f) through (n), see enclosure 1

### A. PURPOSE

Under references (a) through (n), this Directive establishes policy, assigns responsibilities, and provides procedures for making DoD lands available for mineral exploration and extraction.

### B. APPLICABILITY AND SCOPE

1. This Directive applies to the Office of the Secretary of Defense and the Military Departments (including their National Guard and reserve components).

2. It applies to DoD-controlled lands acquired or withdrawn from the public domain (including Army civil works lands) within the United States and its territories and possessions for which the mineral rights are owned by the United States, with the following exceptions:

a. Mineral leasing of lands situated within incorporated cities, towns, and villages (references (d) and (e)).

b. Mineral leasing of tidelands or submerged lands (reference (d)).

Enclosure (1)

c. Certain hardrock minerals known as locatables (30 U.S.C. 22, reference (g)).

d. A class of minerals composed of sand and gravel known as saleables (30 U.S.C. 601 et seq. and 41 CFR 101-47.302-2, references (h) and (i)).

C. DEFINITIONS

The terms used in this Directive are defined in enclosure 2.

D. POLICY

In accordance with established DoD policy to promote optimal use of real property under the multiple-use principle (DoD Directive 4700.1, reference (c)), DoD lands shall be made available for mineral exploration and extraction to the maximum extent possible consistent with military operations, national defense activities, and Army civil works activities.

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) shall:

a. Have primary responsibility for developing DoD policy for mineral exploration and extraction on DoD lands.

b. Ensure that the Military Departments issue regulatory documents implementing this Directive.

2. The Secretaries of the Military Departments shall:

a. Review and approve or disapprove requests from the Department of the Interior (DoI), the federal mineral leasing agency, to lease DoD lands under 43 U.S.C. 155 et seq. (reference (n)) and DoD Directive 5160.63 (reference (k)).

b. Issue regulatory documents implementing this Directive to prescribe procedures relating to the issuance of permits and leases and the approval of plans of operations for mineral exploration and extraction.

c. Formulate a system for maintaining records of land status to assist the DoI in mineral leasing. This system shall be established in accordance with DoD Directive 5000.11 (reference (l)) and shall use existing standard data elements from DoD 5000.12-M (reference (m)), whenever possible.

F. PROCEDURES

1. If a Military Department cannot consent to exploration or extraction, it also may not approve testing or leasing. Exclusion of lands from exploration and extraction shall be justified and supported. Availability of lands is subject to certain conditions and stipulations that also shall be justified.

Granting approval for leasing usually shall be construed as consent ultimately to allow drilling or other forms of mineral extraction. Accordingly, initial approval clearly shall indicate the conditions, if known, under which further exploration or extraction shall be allowed. For example, classified operations, ammunition and explosives operational storage requirements, and contaminated lands may restrict or exclude leasing or may require no surface disturbance stipulations (DoD 5154.4-S, reference (j)).

2. The Military Departments may issue permits to parties interested in conducting seismic or other geophysical tests on DoD lands. In unusual circumstances, the Military Departments may refer permit applications to the DoI for issuance. Permits are subject to the approval of, and conditions imposed by, the Military Department concerned. The issuing agency shall make any required environmental and cultural studies. For permits issued by the DoI, the Military Department concerned shall provide, upon request, environmental and cultural information held by the Department.

3. Leases. The DoI receives and processes all mineral lease requests and then forwards such lease offers and title report requests to the Military Department concerned. The Military Department then shall decide whether and under what conditions its land may be made available for leasing.

a. Environmental and Cultural Considerations for Leases. As the lead agency, the DoI obtains all environmental and cultural documentation before deciding to lease. The responsibilities of the Military Department concerned, when acting as a cooperating agency, shall be limited to providing to the DoI, upon request, any available environmental and cultural information.

b. Title Search. The Military Department concerned shall furnish to the DoI available information for acquired lands. DoI title records shall be relied upon for withdrawn public domain lands, except that the Military Departments shall identify all outstanding interests, such as easements and licenses. When title information is incomplete, the Military Department shall so advise the DoI.

c. Plans of Operations. After the lease is executed, the lessee submits a plan of operations (Application for Permit to Drill for oil and gas or Mining Plan for other minerals) to the DoI for technical review and coordination with the Military Department concerned. As a cooperating agency, the Military Department shall supply appropriate stipulations; available environmental, endangered species, and cultural information; and concurrence with the plan. The DoI then formalizes the environmental considerations and approves the plan with the stipulations supplied by the Military Department. Stipulations shall be tied directly to the details of the proposed plan of operations, and each stipulation shall be objectively justifiable.

d. The DoI has the responsibility for the collection and disposition of proceeds derived from mineral leasing.

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G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days.

  
PAUL THAYER  
Deputy Secretary of Defense

Enclosures - 3

1. References
2. Definitions
3. Summary of Mineral Leasing Authorities

REFERENCES (continued)

- (f) Title 30, United States Code, Section 1001 et seq., "Geothermal Steam Act of 1970"
- (g) Title 30, United States Code, Section 22, "Mining Act of 1872"
- (h) Title 30, United States Code, Section 601 et seq., "Materials Act of 1947"
- (i) Title 40, United States Code, Section 471 et seq., "Federal Property and Administrative Services Act of 1949, as amended" (41 CFR 101-47.302-2)
- (j) DoD 5154.4-S, "DoD Ammunition and Explosives Safety Standards," January 1978, authorized by DoD Directive 5154.4, October 4, 1982
- (k) DoD Directive 5160.63, "Delegations of Authority Vested in the Secretary of Defense to Take Certain Real Property Actions," August 10, 1978
- (l) DoD Directive 5000.11, "Data Elements and Data Codes Standardization Program," December 7, 1964
- (m) DoD 5000.12-M, "DoD Manual for Standard Data Elements," December 1982, authorized by DoD Directive 5000.12, April 27, 1965
- (n) Title 43, United States Code, Section 155 et seq., "Engle Act"

DEFINITIONS

1. Leasable Minerals. Minerals, such as oil and gas, that are owned by the United States and that have been authorized under statute as potential minerals for extraction under a mineral lease (30 U.S.C. 351 et seq., 181 et seq., and 1001 et seq., references (d) through (f)).
2. Locatable Minerals. Minerals, such as gold and silver, that are owned by the United States, that are on public domain lands, that are subject to discovery and claim, and that are not leasable or saleable (30 U.S.C. 22, reference (g)).
3. Mineral Lease. A grant of a right to explore for and extract leasable minerals. No surface occupancy, drilling, or other mineral extraction is permitted until an operations plan is approved by the DoI in consultation with the Military Department concerned.
4. Multiple-Use Principle. The integrated management of all resources, each with the other, to achieve their optimum use and enjoyment while maintaining environmental and other qualities in balance.
5. Permit. Temporary permission to conduct seismic or other geological and geophysical tests before requesting a mineral lease.
6. Saleable Minerals. Common variety minerals, such as sand, clay, and gravel, that are sold under certain statutory authorities (30 U.S.C. 601 et seq. and 41 CFR 101-47.302-2, references (h) and (i)).

SUMMARY OF MINERAL LEASING AUTHORITIES

A. 30 U.S.C. 351 et seq. (reference (d)) authorizes leasing of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur within acquired DoD lands. 30 U.S.C. 181 et seq. (reference (e)) authorizes leasing of coal, phosphate, sodium, oil, oil shale, native asphalt, solid or semi-solid bitumen, and bituminous rock or gas within DoD-withdrawn public domain lands under certain conditions and in certain places. Under the leasing statutes, the Secretary of the Interior is responsible for granting and administering such leases. 30 U.S.C. 1001 et seq. (reference (f)) authorizes the Secretary of the Interior to issue leases for development of geothermal steam and associated resources on public lands. This includes public lands withdrawn for use by the Military Departments.

B. Reference (d) specifically provides for consent of the head of the executive department having jurisdiction over the lands containing the mineral deposit before leasing. For public domain lands withdrawn for use of the Department of Defense 43 U.S.C. 155 et seq. (reference (n)) provides that there will be no disposition of or exploration for minerals on public domain lands when the Secretary of Defense, in consultation with the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the land.

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MEMORANDUM OF UNDERSTANDING  
FOR THE ONSHORE OIL AND GAS AND GEOTHERMAL PROGRAM  
(43 CFR PARTS 3000, 3100, 3200)

DEPARTMENT OF DEFENSE - DEPARTMENT OF THE INTERIOR

The following procedures are established to facilitate the coordination efforts of the Department of Defense (DOD) including the three military departments and the Department of the Interior (DOI) through the Bureau of Land Management (BLM) as leasing agent and operations manager in the exploration, development and production of oil and gas and geothermal resources on DOD administered lands.

Unless otherwise noted, reference in this MOU to BLM means the Office of the State Directors in the pre-lease stage, except for geophysical exploration activities, and the District offices in the geophysical exploration and post-lease stage; and DOD means the authorized officer (Installation Commander for Army installations, District Engineer for Army civil works projects, Installation Commander in coordination with the Naval Facilities Engineering Command Field Divisions for Navy Installations and Base Commander for Air Force bases).

I. Coordination Prior to Lease Issuance

A. Geophysical Exploration

1. BLM District Office will:

- a. Upon receipt of a geophysical permit application referred by the Secretary of a Military Department or his duly authorized representative, prepare a case file and either:
  - (i) issue permit with standard or special stipulations and provide DOD a copy of the executed permit and related documents; or
  - (ii) reject application and provide applicant reason therefor and provide copy to DOD.
- b. Prior to issuing permit, prepare in consultation with DOD as deemed necessary in view of proposed action and NEPA requirements, either:
  - (i) Categorical Exclusion Review (CER);
  - (ii) Environmental Assessment (EA); or
  - (iii) otherwise ensure compliance with NEPA.
- c. Require as a standard stipulation that DOD be contacted prior to entry by operator. The required contact with DOD may cover each day that entry is desired or an agreed upon schedule.

Enclosure (2)

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- d. Contact DOD prior to entry by BLM. The required contact with DOD may cover each day entry is desired or an agreed upon schedule.
  - e. Assist, at DOD request, in monitoring and ensuring permittee compliance with permit terms and conditions.
2. The Secretary of a Military Department or his duly authorized representative will:
- a. Upon receiving permit application either:
    - (i) Grant permit approval with either standard or special stipulations or any other requirements;
    - (ii) Reject application; or
    - (iii) Refer to BLM for issuance/rejection in unusual circumstances.
  - b. Prior to issuing any permit, prepare as deemed necessary in view of the proposed action and NEPA requirements, either:
    - (i) Categorical Exclusion Review (CER);
    - (ii) Environmental Assessment (EA); or
    - (iii) otherwise ensure compliance with NEPA.
  - c. Monitor permittee compliance with permit terms and conditions.
  - d. In cases of permits to be issued by BLM, the military departments will provide available environmental and cultural information needed to BLM upon request.
- B. Leasing
1. BLM will:
    - a. Upon receiving request from Secretary of a Military Department or his duly authorized representative or from industry that certain lands be offered for lease, or at its own initiative deciding to offer certain lands, determine whether the lands in question are within areas designated by DOD as incompatible for exploration, development, and production of oil and gas, or geothermal resources where such designation by DOD has been made.
    - b. Require applicants for leases to specify the name of the installation and the acquisition tract number of the land covered by the application to simplify the DOD title search.

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- c. Prepare CER or EA, or otherwise ensure compliance with NEPA.
  - d. Request title report(s) and consent to lease from appropriate DOD officials.
  - e. Forward one photocopy of any executed lease to DOD.
2. DOD will:
- a. Provide BLM with information designating which areas under its jurisdiction are incompatible for exploration, development, and production of oil and gas, or geothermal resources.
  - b. Provide environmental and cultural information held by DOD to BLM upon request.
  - c. Provide title reports, consent and special terms for lease issuance, or reasons for withholding consent.

## II. Coordination After Lease Issuance

1. BLM will:
- a. Upon receipt of the Application for Permit to Drill (APD), forward one copy to DOD for review.
  - b. Schedule an onsite inspection with DOD and the lessee/operator.
  - c. Approve the plan with the stipulations supplied by DOD.
  - d. Supervise the operations to ensure compliance with the lease terms, regulations, and the conditions imposed or approved and immediately advise DOD of instances of non-complying actions.
2. DOD will:
- a. Review the APD and furnish appropriate stipulations.
  - b. Supply available environmental, endangered species and cultural information to BLM upon request.
  - c. Concur with an acceptable plan of operations.
  - d. Participate in onsite inspections.

Enclosure (2)

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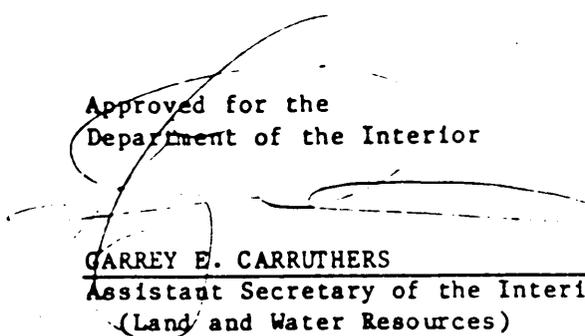
III. This MOU shall be effective when executed.

Approved for the  
Department of Defense



ROBERT A. STONE  
Deputy Assistant Secretary of Defense  
(Installations)

Approved for the  
Department of the Interior



GARREY E. CARRUTHERS  
Assistant Secretary of the Interior  
(Land and Water Resources)

DATE: 9 JAN 1984

DATE: 26 JAN 1984