

EXCERPTS FROM PARK ENABLING STATUTES RE: NON-FEDERAL OIL & GAS RIGHTS IN PARK UNITS

ALIBATES FLINT QUARRIES NM	No pertinent language
AZTEC RUINS NM	No pertinent language (Presidential proclamation)
BIG CYPRESS NPRES	
[16 U.S.C. §698(c)]	No improved property...,nor oil and gas rights, shall be acquired without the consent of the owner unless the Secretary, in his judgment, determines that such property is subject to, or threatened with, uses which are, or would be, detrimental to the purposes of the preserve.
[16 U.S.C. §698i(b)]	In administering the preserve, the Secretary shall develop and publish in the Federal Register such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to: ...(2) exploration for and extraction of oil, gas, and other minerals...
[16 U.S.C. §698m-4(a)]	Within nine months from April 29, 1988, the Secretary shall promulgate, subject to the requirements of subsections (b)-(e) of this section, such rules and regulations governing the exploration for and development and production of non-Federal interests in oil and gas located within the boundaries of the Big Cypress National Preserve and the Addition, including but not limited to access on, across, or through all lands within the boundaries of the Big Cypress National Preserve and Addition for the purpose of conducting such exploration or development and production, as are necessary and appropriate to provide reasonable use and enjoyment of privately owned oil and gas interests, and consistent with the purposes for which the Big Cypress National Preserve and Addition were

established. Rules and regulations promulgated pursuant to the authority of this section may be made by appropriate amendment to or in substitution of the rules and regulations respecting non-Federal oil and gas rights (currently codified at 36 CFR 9.30, et seq. (1986)).

BIG THICKET NPRES

[§698c(b)]

In the interest of maintaining the ecological integrity of the preserve, the Secretary shall limit the construction of roads, vehicular campgrounds, employee housing, and other public use and administrative facilities and he shall promulgate and publish such rules and regulations in the Federal Register as he deems necessary and appropriate to limit and control the use of, and activities on, Federal lands and waters with respect to:

- (1) Motorized land and water vehicles
- (2) Exploration for, and extraction of, oil, gas and other minerals;
- (3) New construction of any kind;
- (4) Grazing and agriculture; and
- (5) Such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of sections 698 to 698e of this title.

BIG SOUTH FORK NATIONAL RIVER & RECREATION AREA

[§460ee(e)(2)(A)]

Within the gorge area, no extraction of, or prospecting for minerals, petroleum products, or gas shall be permitted.

[§460ee(e)(3)]

In adjacent areas: the removal of timber shall be permitted only where required for the development or maintenance of public use and for administrative sites and shall be accomplished with careful regard for scenic and environmental values; prospected for minerals and the extraction of minerals from the adjacent areas shall be permitted only where the adit to any such mine can be located outside the boundary of the National

Area; no surface mining or strip mining shall be permitted; prospecting and drilling for petroleum products and natural gas shall be permitted in the adjacent area under such regulations as the Secretary or the Secretary of the Interior...

CUYAHOGA VALLEY NP [§460ff]

No pertinent language

GAULEY RIVER NRA [§460ww]

No pertinent language

JEAN LAFITTE NHP
[§230a(a)]

Authority of Secretary; manner and place; donation of State lands; mineral rights

Within the Barataria Marsh Unit the Secretary is authorized to acquire not to exceed eight thousand six hundred acres of lands, waters, and interests therein (hereinafter referred to as the "core area"). As depicted on the map referred to in section 230 of this title, by donation, purchase with donated or appropriated funds, or exchange. The Secretary may also acquire by any of the foregoing methods such lands and interests therein, including leasehold interests, as he may designate in the French Quarter of New Orleans for development and operation as an interpretive and administrative facility. Lands, waters, and interests therein owned by the State of Louisiana or any political subdivision thereof may be acquired only by donation. In acquiring property pursuant to this part, the Secretary may not acquire right to oil and gas without the consent of the owner, but the exercise of such rights shall be subject to such regulations as the Secretary may promulgate in furtherance of the purposes of this park.

LAKE MEREDITH NRA [§460fff]

No pertinent language

NEW RIVER GORGE NATIONAL RIVER [§460m-19(a)]

Mining; prohibition and limitation

Notwithstanding any other provision of the law, no surface mining of any kind shall be permitted on federally owned lands within the boundary of the national river where the subsurface estate is not federally owned. Underground mining on such lands may be permitted by the Secretary only if-

- (1) the mining operation will have no significant adverse impact on the public use and enjoyment of the national river;
- (2) the mining operation will disturb the minimum amount of surface necessary to extract the mineral; and
- (3) the surface is not significantly disturbed, unless there is no technologically feasible alternative.

OBED WILD & SCENIC RIVER

Created via the National Wild & Scenic River Act which contains general language regarding mining in wild and scenic river corridors. No language specific to OBED.

PADRE ISLAND NS

[§495d-3(a)]

When acquiring land, waters, or interests therein, the Secretary shall permit a reservation by the grantor of all or any part of the oil and gas minerals in such lands or waters and of other minerals therein which can be removed by similar means, with the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining or removal of such for beneath the surface of these lands and waters and the lands and waters adjacent thereto, under such regulations as may be prescribed by the Secretary with respect to such mining or removal.

TALLGRASS PRAIRIE NPRES

[§698u-3(g)(3)(G)]

This section provides direction as to the content of the park's GMP. Provisions requiring the Secretary to honor each valid existing oil & gas lease for lands within the boundary of the Preserve...

[§698u-3(b)]

Statute contains unique language limiting the application of NPS regulations as follows: With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.