

CHRONOLOGY OF ACTIONS  
CONCERNING COLLECTION OF PETRIFIED WOOD  
AND OTHER ROCKHOUND MATERIALS

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A tremendous volume of mail followed this proposed notice requesting hearings. (See Attachment 2)

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This was followed by a very great protest from the rockhounds. As a matter of fact, Mr. Stoddard reported that it was the greatest number of letters the Bureau of Land Management had ever received in regard to any action they had ever taken. (See Attachment 5)

After considerable correspondence and work with the rockhound groups, especially the American Federation of Mineralogical Societies, Circular 2147 was issued and has become the authority under which collections of petrified wood are made. (See Attachment 6)

September 21, 1966 - Senate amends Common Varieties Act once again. This has not been passed by the House and its likelihood of becoming law this session is about fifty-fifty. (See Attachment 7 for amendment)

As it stands now, the mining industry is trying to relax the definition of Common Varieties, whereas the Department of Interior is trying to restrict the definition. It is my opinion that any attempt by the rockhounds to restrict the location of claims for quartz minerals is going to run up against serious opposition from the mining industry as too many of the metalliferous mineral deposits of the United States are found associated with quartz veins and a number (chrysocolla, garnierite, and clay minerals) are silicates.

There should be no problem controlling extraction of rockhound type materials from State lands. As State law requires the Land Board to negotiate a lease before mining can take place on lands under their jurisdiction, the law gives them the latitude to lease or not. The State Land Board, in negotiating a lease, must confer with the State Geologist, Game Commission, Fish Commission, and Forestry Department before they grant a lease. On lands owned by other State agencies, the law allows the agency to lease or not lease as that agency determines.

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# Rockhounds Fighting Federal Restrictions

By A. ROBERT SMITH  
Statesman Washington  
Correspondent

WASHINGTON (Special)—The big political issue out West these days is neither the nuclear test ban treaty, nor the crisis in South Viet Nam, nor civil rights, if one judges public concern by the mail being received by congressional offices.



A. Robert Smith

The issue which has excited countless western citizens is the federal government's attempt to restrict the amount of petrified wood they can take home after a day of rock hunting on Uncle Sam's vast public lands.

The rockhounds are bombarding Capitol Hill with postal protests over Interior Secretary Stewart Udall's proposal to limit them to 10 pounds of petrified wood per day. Unless Udall backs down, his order goes into effect next month.

Rockhounding has become an extremely popular hobby in recent years. Rock collectors, searching for unique specimens during the summer months and shaping them during the winter with inexpensive cutting and grinding tools, far outnumber the serious prospectors who hunt commercially valuable materials.

Petrified wood has been found in most states but most of the interesting and valuable deposits are located in the western states, where the government has authority over extraction of minerals in public lands and forests.

Until last year, petrified wood was included under the mining laws—but Congress, at Udall's request, excluded petrified wood to give the government greater control over its extraction. Udall had pointed out that large-scale extraction, with tractors and dynamite, threatened erosion.

Under this new law commercial users of petrified wood can get it through government advertised sales, usually by competitive bidding, with the government insisting on sound conservation practices in the extraction process.

But the rockhounds who are simply pursuing their hobby would need no permit so long as they extracted the specimens in a manner that avoids needless soil erosion. And they don't have to pay for what they find and cart away, so long as they limit it to 10 pounds per day.

The rockhounds are trying to get this limit raised to 150 pounds per day.

One Oregon rockhound expressed fear that the 10-pound limit would cause petrified wood to become scarce and expensive—and the next thing you know there will be a black market in the stuff, he contended.

Many rockhounds claim the 10-pound limit is unrealistic because it would frustrate their making the best use of large chunks of petrified wood they come across. They point out that it would lead to breaking up large chunks into small pieces in order to comply with the limitation.

The proposed regulations would not prohibit several rockhounds from pooling their daily weight limit in order to take away a large chunk intact, but the presumption that this would satisfy the rockhounds appears to rest on the dubious ground that the rockhounds could always peaceably decide which one gets the honor of keeping the large specimen they joined in taking home.

Generally, the rockhounds are sore at government interference in their hobby. They want Congress to "stop this injustice," as one of them put it, before it spreads to agates and crystals.

The rockhounds, in short, are fighting to keep the government from winding up on the rocks.



IN REPLY REFER TO:  
100.5b

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
State Office  
710 N. E. Holladay  
Portland, Oregon 97232

OCT 11 1963

Mr. Hollis M. Dole  
State Geologist  
State Dept. of Geology & Mineral Industries  
1069 State Office Building  
1400 S. W. Fifth Ave.  
Portland 1, Oregon

Dear Mr. Dole:

We refer to your letter of September 27 in which you request additional information regarding the Proposed Rule Making, concerning Free Use of Petrified Wood by Individuals.

As requested, we are enclosing a copy of Public Law 87-713 which excludes deposits of petrified wood from appropriation under the mining laws. We are also enclosing a copy of Part 259, Code of Federal Regulations, Disposal of Mineral Material Resources.

The legislation originated as a result of the problem of exploitation of petrified wood in several of the Western States and the public recreational interest in such deposits. The proposed withdrawals for petrified wood in Oregon and elsewhere were an interim measure, pending legislation preserving such deposits for public recreation and public purposes.

T The act of September 28, 1962, or Public Law 87-713, was passed by the Congress. It authorizes the disposal of certain mineral materials, including petrified wood, from public lands specified by the Secretary of the Interior. The Act also provides that the Secretary of Agriculture shall dispose of materials from lands administered by him. (U.S. Forest Service)

3 As a result of the act of September 28, 1962, a notice was published in the Federal Register as a Proposed Rule Making, to designate all public lands administered by the Bureau of Land Management as free use areas. It also established basic rules for the collection of specimens of petrified wood. (A copy of the Proposed Rule Making was sent to you along with our letter of September 26. appears above)

RECEIVED  
OCT 11 1963

STATE DEPT. OF GEOLOGY  
& MINERAL INDS.

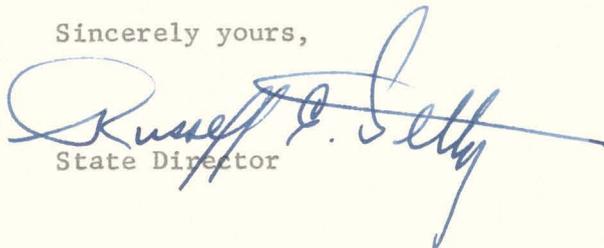
Public Law 87-713 directed the Secretary of the Interior to provide by regulations for the free use of petrified wood. In the case of the act of September 28, he has, to date, merely proposed a set of regulations and these proposals have been published in the Federal Register and publicized through news media. It is the policy of the Department of the Interior to afford the public the opportunity to participate in the rule making process, consequently he has requested interested persons to submit comments or objections by September 7, 1963. Because of the interest shown, this date was extended to October 5, 1963. From all the information available in this office at this time, this is the present status of the establishment of the rules and regulations for the disposal of these materials from public lands. ] end

We understand the Department has received an extraordinary number of comments which is an indication that publicity was effective and reached individuals and groups interested in this matter. #

With reference to your question about the Department of Agriculture, we have no information as to the applicability of their regulations to the disposal of petrified wood from national forests. We would suggest you contact the Regional Forester.

If we can be of further assistance, do not hesitate to write us.

Sincerely yours,

  
State Director

Enclosures  
Public Law 87-713  
Circular 2119

September 27, 1963

Mr. Russell E. Getty, State Director  
U.S. Bureau of Land Management  
710 N.E. Holladay  
Portland, Oregon

Dear Mr. Getty:

Thank you for your letter of September 26 with the enclosed copy of the Proposed Rule Making appearing in the FEDERAL REGISTER concerning Free Use of Petrified Wood by Individuals.

I note that the proposed rules concern only those departments under the jurisdiction and control of the Department of the Interior and that those agencies under the Department of Agriculture are excluded. Undoubtedly this is a requirement of the act withdrawing petrified materials from the locatable category.

My question to you is: Do you know whether or not the Department of Agriculture has issued rules and regulations under this act, and do you have a copy of the act that you might send to me? Also do you know whether or not public hearings were held on the proposed rule making or was its promulgation strictly through the FEDERAL REGISTER?

As I understand the history of this act, it was the outcome of a proposed withdrawal of large acreages in central and southeastern Oregon from mineral entry for petrified wood. Because of the large number of protests, it was announced by the Department of the Interior that hearings would be held and in the meantime a bill was introduced that culminated in the act of September 28, 1962. It would be interesting to me to know how much testimony was received before this act was passed to determine whether or not it reflected the intense interest generated by the proposed withdrawal of the land in southeastern Oregon. This all ties in, it seems to me, with the announcement that is presently being made.

My concern, as you probably recognize from the tone of this letter, is whether or not the group that is to be most directly concerned with the act has been fully informed of the actions by the federal bureaus and if they have had adequate opportunity to express themselves.

Any comments you would care to make on this would be most welcome and if you can send me a copy of the act it would be greatly appreciated.

Sincerely yours,

Hollis M. Dole  
State Geologist

HMD:jr



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
State Office  
710 N. E. Holladay  
Portland, Oregon 97232

SEP 26 1963

Mr. Hollis Dole  
Director  
Oregon State Department of Geology  
& Mineral Industries  
State Office Building  
1400 S. W. Fifth Ave.  
Portland 1, Oregon

Dear Mr. Dole:

In the August 6 issue a Proposed Rule Making for Free Use of Petrified Wood by Individuals was published in the Federal Register. For your information we are enclosing a copy of the proposed rules and regulations.

② Since the publication of the above, this office has suggested to the Director of the Bureau of Land Management that certain changes of the proposed rules might be appropriate, particularly relating to ~~section 259.67(2)~~ regarding the 10 pound limit. Specifically, it was suggested that the maximum quantity of petrified wood any one person is allowed to remove without charge in any one day is 10 pounds in weight, and one specimen. As a result, the Director extended the time for receipt of comments covering the proposed petrified wood regulations to October 5, 1963. He also directed all State Directors to forward additional comments and, when feasible, to obtain the views of local organizations of rock collectors. These same instructions have been forwarded to all District Managers in the State.

One mining engineer has been assigned this case and he is now in the process of collecting and preparing all information for submission to the Director. In addition, there has been a substantial volume of correspondence from individuals and rockhound societies who have contacted directly both the Director and the Department of the Interior. In most cases they were concerned about the 10 pound limit.

We believe that with the information supplied by this office, plus the large amount of correspondence from individuals, there should result a set of regulations which are satisfactory to most of the people concerned.

Sincerely yours,

*T. M. Tyrnell*

ACTING State Director

Enclosure

RECEIVED  
SEP 27 1963  
STATE DEPT. OF  
& MINERAL I

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ 43 CFR Part 259 ]

### DISPOSAL OF TIMBER AND MINERAL RESOURCES

#### Proposed Free Use of Petrified Wood by Individuals

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 2 of the act of September 23, 1962 (76 Stat. 652) it is proposed to amend 43 CFR Part 259 as set forth below. The purpose of this amendment is to designate all public lands administered by the Bureaus of Land Management and Reclamation except those public lands at constructed Reclamation reservoirs, as free use areas for the collection by individuals of petrified wood for recreational or scientific purposes, and to provide for the designation of additional free use areas and for the modification or cancellation of any designated areas. The amendment also establishes basic rules for collection of specimens on public lands under the jurisdiction of the Secretary of the Interior and permits the promulgation of additional rules as needed.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. The center head before §§ 259.57 to 259.64 is revised to read: Free use by Public Agencies and Nonprofit Organizations.

2. New §§ 259.65 to 259.67 with a center head are added to read as follows:

#### FREE USE OF PETRIFIED WOOD BY INDIVIDUALS

§ 259.65 Statutory authority; program.

(a) Section 2 of the act of September 23, 1962 (76 Stat. 652) requires that the Secretary of the Interior shall provide by regulation that limited quantities of petrified wood may be removed without charge from those public lands which he shall specify. To implement the policy of Congress, the regulations of this part have been issued, authorizing the collection for non-commercial purposes of limited quantities of petrified wood by amateur collectors and by scientists, under terms and conditions which will be consistent with preservation of significant deposits as a public recreational resource for the enjoyment of the general

public, maintenance of a source of materials for private and public collections, maintenance for the general public of areas for the pleasure of hunting for petrified wood specimens, and protection of other resources and progress on the lands. Other provisions of this part provide for purchase of petrified wood for commercial purposes.

(b) Section 2 of said act applies to the same public lands as the act of July 31, 1947 (61 Stat. 681), as amended by the act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601 et seq.). See § 259.1 Specifically excluded are lands in any national park, or national monument, or any Indian lands. The Secretary of the Interior has no authority under those statutes over lands under the jurisdiction of the Secretary of Agriculture.

#### § 259.66 Designation of free use areas.

(a) All public lands administered by the Bureaus of Land Management and Reclamation, except those public lands at constructed Reclamation reservoirs, within the Department of the Interior are open for free use removal of petrified wood with the exception of specific areas which may be closed to such collections by public notice or are otherwise closed to public entry. Free use areas under the jurisdiction of said Bureaus may be modified or cancelled by notices published in the FEDERAL REGISTER.

(b) The heads of other Bureaus in the Department of the Interior, or their delegates may publish in the FEDERAL REGISTER designations, modifications, or cancellations of free use areas on lands under their jurisdiction.

(c) The Secretary of the Interior, or his delegate, may designate, modify, or cancel free use areas on public lands which are under the jurisdiction of other Federal departments or agencies other than the Department of Agriculture, with the consent of the head of such other Federal department or agency concerned, upon publication of notice in the FEDERAL REGISTER.

(d) This regulation of this section does not apply to lands under the jurisdiction of the Secretary of Agriculture.

#### § 259.67 Rules for collection of specimens.

(a) The following rules shall govern the removal without charge of specimens from public lands administered by the Department of the Interior:

(1) No application or permit for free use is required.

(2) The maximum quantity of petrified wood that any one person is allowed to remove without charge in any one day is 10 pounds in weight.

(3) Collection of specimens under the authority of this act must be accomplished in a manner that avoids unnecessary soil erosion or needless damage to the land or the resources.

(b) The head of the Bureau having jurisdiction over a free use area, or his delegate, may establish and publish additional rules for the free use of petrified wood for non-commercial purposes, to supplement those included in paragraph (a) of this section.

JOHN A. CARVER, Jr.,  
Assistant Secretary of the Interior.

JULY 31, 1963.

[F.R. Doc. 63-8273; Filed, Aug. 6, 1963;  
8:45 a.m.]

①



IN REPLY REFER TO:  
100.5b

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
State Office  
710 N. E. Holladay  
Portland 12, Oregon

NOV 21 1962

Mr. Hollis Dole, Director  
Oregon State Dept. of Geology & Mineral Industries  
1400 S. W. 5th Ave.  
Portland 1, Oregon

Dear Mr. Dole:

In response to your telephone call we are enclosing a copy of Public Law 87-713 which amends Section 3 of the act of July 23, 1955, and deals, in part, with new legislation regarding petrified wood.

Public Law 87-713 is essentially a public recreational measure, and to further this objective, Section 2 of the Act requires the Secretary of the Interior to issue regulations to provide for free use of limited amounts of petrified wood from specified public lands.

Section 1 of the Act provides specifically that after September 28, 1962 deposits of petrified wood are not subject to location under the mining laws. The Congress did not go into the question of whether such deposits were locatable prior to the Act even though the question did arise during hearings on the bill. Deposits, not subject to valid claims under the mining laws or otherwise, are now subject to disposition under the Materials Act, though we have not as yet received information regarding procedures governing the disposal of petrified wood.

Regulations are now being drafted. What will be finally issued is not now known. As soon as this information is received in this office, we will be glad to forward it on to you.

Sincerely yours,

John R. Welch

Chief, Branch of Minerals Management

Enclosure  
Copy of P.L. 87-713 (2)

